



भारत का राजपत्र

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सं० 19] नई दिल्ली, शनिवार, मई 11, 1974/वैशाख 21, 1896
No. 19] NEW DELHI, SATURDAY, MAY 11, 1974/VAISAKHA 21, 1896

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके
Separate paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय को छोड़कर) भारत सरकार के मंत्रालयों और (संघ राज्य क्षेत्र प्रशासनों को छोड़कर)

केन्द्रीय प्राधिकारियों द्वारा जारी किये गये सांविधिक आदेश और अधिसूचनाएं

Statutory orders and notifications issued by the Ministries of the Government of India
(other than the Ministry of Defence) by Central Authorities
(other than the Administration of Union Territories)

भारत निर्वाचन आयोग

ELECTION COMMISSION OF INDIA

आदेश

ORDER

नई दिल्ली, 20 अप्रैल, 1974

New Delhi, the 20th April, 1974

का० आ० 1153.—यतः निर्वाचन आयोग का समाधान हो गया है कि मार्च, 1972 में हुए बिहार विधान सभा के लिए माधारण निर्वाचन के लिए 208-मानेर निर्वाचन क्षेत्र में चुनाव लड़ने वाले उम्मीदवार श्री भगवती प्रसाद सिंह ग्राम व पो० आ० रामनगर जिला पटना लोक प्रतिनिधित्व अधिनियम 1951 तथा तदधीन बनाए गए नियमों द्वारा अपेक्षित समय के अन्दर तथा रीति से अपने निर्वाचन व्ययों का लेखा दाखिल करने में असफल रहे हैं ;

और, यतः, उक्त उम्मीदवार द्वारा दिये गये अभ्यावेदन पर विचार करने के पश्चात् निर्वाचन आयोग का यह भी समाधान हो गया है कि उसके पास इस असफलता के लिए कोई पर्याप्त कारण या न्यायोचित्य नहीं है ;

अतः अब, उक्त अधिनियम की धारा 10-क के अनुसरण में निर्वाचन आयोग एतद्वारा उक्त श्री भगवती प्रसाद सिंह को संसद के किसी भी सदन के या किसी राज्य की विधान सभा अथवा विधान परिषद् के सदस्य चुने जाने और होने के लिये इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है ।

[सं० बिहार-वि० सं०/208/72 (47)]

वी० नाग सुब्रमनियम, सचिव

S.O. 1153.—Whereas the Election Commission is satisfied that Shri Bhagwati Prasad Singh, Village & P.O. Ramnagar, District Patna who was a contesting candidate for election to the Bihar Legislative Assembly from 208-Maner constituency held in March, 1972 has failed to lodge an account of his election expenses within the time and in the manner required by the Representation of the People Act, 1951, and the Rules made thereunder ;

And whereas, after considering the representation made by the said candidate, the Election Commission is satisfied that he has no good reason or justification for such failure ;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Bhagwati Prasad Singh to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. BR-LA/208/72 (47)]

V. NAGASUBRAMANIAN, Secy.

विधि न्याय एवं कम्पनी कार्य मंत्रालय

(कम्पनी कार्य विभाग)

नई दिल्ली, 18 अप्रैल, 1974

का० प्रा० 1154.—एकाधिकार एवं निर्वन्धकारी व्यापार, प्रधा अधिनियम 1969 (1969 का 54) की धारा 26 की उप-धारा (3) के अनुसरण में, केन्द्रीय सरकार एन० द्वारा मेमसे मफतलाल गागलभाई एण्ड कम्पनी प्रा० लि० के कथित अधिनियम के अन्तर्गत पंजीकरण (पंजीकरण प्रमाण-पत्र संख्या 296/70 दिनांक 24-10-70) के निरस्तीकरण को अधि-सूचित करती है।

[संख्या 2/26/73—एम० 2]

काल्प मणि शर्मा, अवर सचिव

**MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS
(Department of Company Affairs)**

New Delhi, the 18th April, 1974

S.O. 1154.—In pursuance of sub-section (3) of Section 26 of the Monopolies and Restrictive Trade Practices Act, 1969 (54 of 1969), the Central Government hereby notifies the cancellation of the registration of M/s. Mafatlal Gagalbhai & Co. Pvt. Ltd. under the said Act (Certificate of Registration No. 296/70 dated the 24-10-1970).

[No. 2/26/73-M. II]

K. M. SHARMA, Under Secy.

वित्त मंत्रालय

(राजस्व और बीमा विभाग)

नई दिल्ली, 2 मई, 1974

का० प्रा० 1155.—जीवन बीमा निगम अधिनियम 1956 (1956 का 31) की धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए केन्द्रीय सरकार श्री आर० बी० प्रधान, प्रबन्ध निदेशक, भारतीय जीवन बीमा निगम को भारतीय जीवन बीमा निगम का सदस्य एन० द्वारा नियुक्त करती हैं।

[का० सं० 81(6)-बीमा 2/72]

डी० के० सिंह, उप सचिव

MINISTRY OF FINANCE

(Department of Revenue and Insurance)

New Delhi, the 2nd May, 1974

S.O. 1155.—In exercise of the powers conferred by Section 4 of the Life Insurance Corporation Act, 1956 (31 of 1956) the Central Government hereby appoints Shri R. B. Pradhan, Managing Director, Life Insurance Corporation of India as member of the Life Insurance Corporation of India.

[F. No. 81(6)-Ins. II/72]

D. K. SINGH, Deputy Secy.

नई दिल्ली, 27 मार्च, 1974

(आयकर)

का० प्रा० 1156.— आयकर अधिनियम 1961 (1961 का 43) की धारा 80छ की उपधारा 2(ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार सेठ डी० एन० मोदी शेनशाई आतश बेह्रम (फायर टेम्पुल), सूरत को उक्त

धारा के प्रयोजनों के लिए गुजरात राज्य में सर्वज्ञ लोक पूजा का विख्या स्थान अधिसूचित करती है।

[सं० 582ए० (का० सं० 176/42/73-आई० टी० (ए० 1)]

वी० बी० श्रीनियामन, अवर सचिव

New Delhi, the 27th March, 1974

(INCOME-TAX)

S.O. 1156.—In exercise of the powers conferred by sub-section (2) (b) of Section 80G of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies Soth D. N. Modi Shenshai Atash Behram Fire Temple, Surat to be a place of public worship of renown throughout the State of Gujarat for the purposes of the said section.

[No. 582A (F. No. 176/42/73-IT (AI))]

V. B. SRINIVASAN, Under Secy.

(बैंकिंग विभाग)

नई दिल्ली, 18 अप्रैल, 1974

का० प्रा० 1157.—भारत का स्टेट बैंक (समनुपंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 25 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारत के स्टेट बैंक से परामर्श करके श्री एल० डी० कटारिया, उप सचिव, वित्त मंत्रालय (बैंकिंग विभाग) को श्री यशपाल कपूर के स्थान पर बीकानेर और जयपुर के स्टेट बैंक का निदेशक नियुक्त करती है।

[सं० का० 8/1/74 वी० ओ० 1-1]

(Department of Banking)

New Delhi, the 18th April, 1974

S.O. 1157.—In exercise of the powers conferred by clause (e) of sub-section (1) of Section 25 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government, in consultation with the State Bank of India, nominates Shri L. D. Kataria, Deputy Secretary, Ministry of Finance (Department of Banking), to be a director of the State Bank of Bikaner and Jaipur vice Shri Yash Pal Kapoor.

[No. F. 8/1/74-B.O. I-1]

का० प्रा० 1158.—भारत का स्टेट बैंक (समनुपंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 25 की उपधारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार भारत के स्टेट बैंक से परामर्श करके श्री एम० एस० हसुरकार, अवर सचिव, वित्त मंत्रालय (बैंकिंग विभाग) को श्री आर० राजमणि के स्थान पर हैदराबाद के स्टेट बैंक का निदेशक नियुक्त करती है।

[सं० का० 8/1/74-बी० ओ० I-2]

S.O. 1158.—In exercise of the powers conferred by clause (e) of sub-section (1) of Section 25 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government, in consultation with the State Bank of India, nominates Shri S. S. Hasurkar, Under Secretary, Ministry of Finance (Department of Banking), to be a director of the State Bank of Hyderabad vice Shri R. Rajamani.

[No. F. 8/1/74-B.O. I-2]

का०प्रा० 1159.—भारत का स्टेट बैंक (समनुषंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 25 की उपधारा (1) के खण्ड (ङ) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार भारत के स्टेट बैंक से परामर्श करके श्री एम० बी० उमगांवकर, अवर सचिव, वित्त मंत्रालय (बैंकिंग विभाग) को मैसूर के स्टेट बैंक का निदेशक नियुक्त करती है।

[सं० फा० 8/1/74 बी०प्रो०-1-3]

S.O. 1159.—In exercise of the powers conferred by clause (e) of sub-section (1) of Section 25 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government, in consultation with the State Bank of India, nominates Shri M. B. Usgaonkar, Under Secretary, Ministry of Finance, Department of Banking, to be a director of the State Bank of Mysore.

[No. F. 8/1/74-BO. I-3]

Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government, in consultation with the State Bank of India, nominates Shri Yash Pal Kapoor, Deputy Secretary, Ministry of Finance (Department of Banking), to be a director of the State Bank of Patiala vice Shri L. D. Kataria.

[No. F. 8/1/74-BO. I-4]

का०प्रा० 1161.—भारत का स्टेट बैंक (समनुषंगी बैंक) अधिनियम, 1959 (1959 का 38) की धारा 25 की उपधारा (1) के खण्ड (ङ) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केन्द्रीय सरकार, भारत के स्टेट बैंक से परामर्श करके श्री एन० बालासुब्रामण्यन, अवर सचिव, वित्त मंत्रालय, बैंकिंग विभाग को ट्रावन्कोर के स्टेट बैंक का निदेशक नियुक्त करती है।

[सं० फा० 8/1/74 बी० प्रो० I 5]

S.O. 1161.—In exercise of the powers conferred by clause (e) of sub-section (1) of Section 25 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government, in consultation with the State Bank of India, nominates Shri N. Balasubramanian, Under Secretary, Ministry of Finance, Department of Banking, to be a director of the State Bank of Travancore.

[No. F. 8/1/74-B.O. I-5]

S.O. 1160.—In exercise of the powers conferred by clause (e) of sub-section (1) of Section 25 of the State

रिजर्व बैंक ऑफ इंडिया

नई दिल्ली, 26 अप्रैल, 1974

का०प्रा० 1162.—रिजर्व बैंक ऑफ इंडिया अधिनियम, 1934 के अनुसरण में अप्रैल, 1974 की 19 तारीख को समाप्त हुए सप्ताह के लिए लेखा

इशू विभाग

| देयताएं | रुपये | रुपये | आस्तिया | रुपये | रुपये |
|-------------------------------|----------------|-------|---------------------------------------|----------------|-------|
| बैंकिंग विभाग में रखे हुए नोट | 30,98,52,000 | | सोने का सिक्का और बुनियात :— | | |
| संचलन में नोट | 6393,38,89,000 | | (क) भारत में रखा हुआ | 182,53,05,000 | |
| | | | (ख) भारत के बाहर रखा हुआ | .. | |
| | | | विदेशी प्रतिभूतियां | 141,73,97,000 | |
| जारी किये गये कुल नोट | 6124,37,41,000 | | जोड़ | 324,27,02,000 | |
| | | | रुपये का सिक्का | 5,40,60,000 | |
| | | | भारत सरकार की रुपया प्रतिभूतियां | 6094,69,79,000 | |
| | | | वैशी विनिमय बिल और दूसरे वारिज्य पत्र | .. | |
| कुल देयताएं | 6424,37,41,000 | | कुल आस्तियां | 6424,37,41,000 | |

19 अप्रैल, 1974 को रिजर्व बैंक ऑफ इंडिया के बैंकिंग विभाग के कार्यकलाप का विवरण

| देयताएं | रुपये | प्राप्ति | रुपये |
|--|-----------------|---|-----------------|
| चुक्ता पूंजी | 5,00,00,000 | नोट | 30,98,52,000 |
| आरक्षित निधि | 150,00,00,000 | रुपये का सिक्का | 4,70,000 |
| राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि | 239,00,00,000 | छोटा सिक्का | 3,59,000 |
| राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि | 85,00,00,000 | खरीदे और भुनाये गये बिल— | |
| राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि | 205,00,00,000 | (क) देशी | 276,15,56,000 |
| जमा राशियां :— | | (ख) विदेशी | .. |
| (क) सरकारी— | | (ग) सरकारी खजाना बिल | 152,07,02,000 |
| (1) केन्द्रीय सरकार | 70,88,34,000 | विदेशों में रखा हुआ ऋण* | 418,11,98,000 |
| (2) राज्य सरकारें | 15,87,52,000 | निवेश** | 157,86,17,000 |
| (ख) बैंक— | | ऋण और अग्रिम :— | |
| (1) अनुसूचित वाणिज्य बैंक | 633,14,53,000 | (1) केन्द्रीय सरकार को | .. |
| (2) अनुसूचित राज्य सहकारी बैंक | 16,47,20,000 | (2) राज्य सरकारों को† | 206,46,95,000 |
| (3) गैर अनुसूचित राज्य सहकारी बैंक | 1,31,24,000 | ऋण और अग्रिम :— | |
| (4) अन्य बैंक | 52.22,000 | (1) अनुसूचित वाणिज्य बैंकों को‡ | 422,10,00,000 |
| | | (2) राज्य सहकारी बैंकों को‡ | 208,01,47,000 |
| | | (3) दूसरों को | 5,25,15,000 |
| | | राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि से ऋण, अग्रिम और निवेश | |
| | | (क) ऋण और अग्रिम :— | |
| | | (1) राज्य सरकारों को | 67,98,12,000 |
| | | (2) राज्य सहकारी बैंकों को | 17,60,54,000 |
| | | (3) केन्द्रीय भूमिबन्धक बैंकों को | .. |
| | | (4) कृषि पुनर्निर्माण निगम को | 36,70,00,000 |
| (ग) अन्य | 180,30,24,000 | (ख) केन्द्रीय भूमिबन्धक बैंकों के डिपेंडेंसी में निवेश | 11,30,72,000 |
| देय बिल | 127,02,47,000 | राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से ऋण और अग्रिम | |
| अन्य देयताएं | 576,43,49,000 | राज्य सहकारी बैंकों को ऋण और अग्रिम | 50,38,71,000 |
| | | राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि से ऋण, अग्रिम और निवेश | |
| | | (क) विकास बैंक को ऋण और अग्रिम | 159,73,88,000 |
| | | (ख) विकास बैंक द्वारा जारी किये गये बाडों/डिपेंडेंसी में निवेश | .. |
| | | अन्य प्राप्ति | 85,14,17,000 |
| | रुपये | | रुपये |
| | 2305,97,25,000 | | 2305,97,25,000 |

*नकदी, आवधिक जमा और अल्पकालीन प्रतिभूतियां शामिल हैं।

**राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय औद्योगिक ऋण (दीर्घकालीन क्रियाएं) निधि से से किये गये निवेश शामिल नहीं हैं।

†राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं, परन्तु राज्य सरकारों को दिये गये अस्थायी अधोऋणपट शामिल हैं।

‡रिजर्व बैंक ऑफ इंडिया अधिनियम की धारा 17(4)(ग) के अधीन अनुसूचित वाणिज्य बैंकों को मीयाबो बिलों पर अग्रिम दिये गये 57,60,00,000 रुपये शामिल हैं।

§राष्ट्रीय कृषि ऋण (दीर्घकालीन क्रियाएं) निधि और राष्ट्रीय कृषि ऋण (स्थिरीकरण) निधि से प्रदत्त ऋण और अग्रिम शामिल नहीं हैं।

तारीख : 24 अप्रैल, 1974

एस० जगन्नाथन,
गवर्नर

[सं० फा० 10/1/74—बी० प्रो० 1]

ख० व० मीरजन्दानी, प्रवर सचिव

RESERVE BANK OF INDIA

Now Delhi, the 26th April, 1974

S.O. 1162.—An account pursuant to the RESERVE BANK OF INDIA ACT, 1934, for the week ended the 19th day of April, 1974

Issue Department

| Liabilities | Rs. | Rs. | Assets | Rs. | Rs. |
|--------------------------------------|----------------|----------------|---|---------------|----------------|
| Notes held in the Banking Department | 30,98,52,000 | | Gold Coin and Bullion :— | | |
| Notes in circulation | 6393,38,89,000 | | (a) Held in India | 182,53,05,000 | |
| Total notes issued | | | (b) Held outside India | .. | |
| | | 6424,37,41,000 | Foreign Securities | 141,73,97,000 | |
| | | | TOTAL : | | 324,27,02,000 |
| | | | Rupree Coin | | 5,40,60,000 |
| | | | Government of India | | |
| | | | Rupree Securities | | 6094,69,79,000 |
| | | | Internal Bills of Exchange and other Commercial paper | | |
| Total Liabilities | | 6424,37,41,000 | Total Assets | | 6424,37,41,000 |

Dated the 24th day of April, 1974

S. JAGANNATHAN, Governor

Statement of the Affairs of the Reserve Bank of India, Banking Department as on the 19th April, 1974

| Liabilities | Rs. | Assets | Rs. |
|--|----------------|---|----------------|
| Capital Paid Up | 5,00,00,000 | Notes | 30,98,52,000 |
| Reserve Fund | 150,00,00,000 | Rupree Coin | 4,70,000 |
| National Agricultural Credit (Long Term Operations) Fund | 239,00,00,000 | Small Coin | 3,59,000 |
| National Agricultural Credit (Stabilisation) Fund | 85,00,00,000 | Bills Purchased and Discounted :— | |
| National Industrial Credit (Long Term Operations) Fund | 205,00,00,000 | (a) Internal | 276,15,56,000 |
| Deposits :— | | (b) External | .. |
| (a) Government | | (c) Government Treasury Bills | 152,07,02,000 |
| (i) Central Government | 70,88,34,000 | Balances Held Abroad* | 418,11,98,000 |
| (ii) State Governments | 15,87,52,000 | Investments** | 157,86,17,000 |
| (b) Banks | | Loans and Advances to :— | |
| (i) Scheduled Commercial Banks | 633,14,53,000 | (i) Central Government | 206,46,95,000 |
| (ii) Scheduled State Co-operative Banks | 16,47,20,000 | (ii) State Governments† | .. |
| (iii) Non-Scheduled State Co-operative Banks | 1,31,24,000 | Loans and Advances to :— | |
| (iv) Other Banks | 52,22,000 | (i) Scheduled Commercial Banks‡ | 422,10,00,000 |
| (c) Others | 180,30,24,000 | (ii) State Co-operative Banks£ | 208,01,47,000 |
| Bills Payable | 127,02,47,000 | (iii) Others | 5,25,85,000 |
| Other Liabilities | 576,43,49,000 | Loans, Advances and Investments from National Agricultural Credit (Long Term Operations) Fund | |
| | | (a) Loans and Advances to :— | |
| | | (i) State Governments | 67,98,12,000 |
| | | (ii) State Co-operative Banks | 17,60,54,000 |
| | | (iii) Central Land Mortgage Banks | .. |
| | | (iv) Agricultural Refinance Corporation | 36,70,00,000 |
| | | (b) Investment in Central Land Mortgage Bank Debentures | 11,30,72,000 |
| | | Loans and Advances from National Agricultural Credit (Stabilisation) Fund | |
| | | Loans and Advances to State Co-operative Banks | 50,38,71,000 |
| | | Loans, Advances and Investments from National Industrial Credit (Long Term Operations) Fund | |
| | | (a) Loans and Advances to the Development Bank | 159,73,88,000 |
| | | (b) Investment in bonds/debentures issued by the Development Bank | .. |
| | | Other Assets | 85,14,17,000 |
| Rupees | 2305,97,25,000 | Rupees | 2305,97,25,000 |

*Includes Cash, Fixed Deposits and Short-term Securities.

**Excluding Investments from the National Agricultural Credit (Long Term Operations) Fund and the National Industrial Credit (Long Term Operations) Fund.

†Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund, but including temporary overdraft to State Governments.

‡Includes Rs. 57,60,00,000 advanced to scheduled commercial banks against usance bills under Section 17(4) (c) of the Reserve Bank of India Act.

£Excluding Loans and Advances from the National Agricultural Credit (Long Term Operations) Fund and the National Agricultural Credit (Stabilisation) Fund.

Dated the 24th day of April, 1974

S. JAGANNATHAN, Governor

[No. F 10 (1)/74—BOI]

C. W. MIRCHANDANI, Under Secy.

नई दिल्ली, 24 अप्रैल, 1974

MINISTRY OF COMMERCE

New Delhi, the 11th May, 1974

का० प्रा० 1163—बैंकिंग विनियमन, अधिनियम 1949 (1949 का 10) की धारा 53 द्वारा प्रवृत्त शक्तियों का प्रयोग करते हुए, भारत सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, एतद्वारा घोषित करती है कि उक्त अधिनियम की धारा 9 के उपबन्ध हिन्दुस्तान कार्मणिअल बैंक लि०, कानपुर द्वारा धौलपुर में धारित अचल सम्पत्ति (भूमि खण्ड) के बारे में, 15 मार्च, 1975 तक, उक्त बैंक पर लागू नहीं होंगे।

[सं० 15 (6)—बी०ओ 3/74]

मे० भा० उमगांवकर, अधीन सचिव

New Delhi, the 24th April, 1974

S.O. 1163.—In exercise of the powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949), the Central Government, on the recommendation of the Reserve Bank of India, hereby declares that the provisions of section 9 of the said Act shall not apply till the 15th March 1975 to the Hindustan Commercial Bank Ltd., Kanpur, in respect of the immovable property (plot of land) held by it at Dholpur.

[No. 15 (6)-B. O. III/74]

M. B. USGAONKAR, Under Secy.

वा एज्य मंत्रालय

नई दिल्ली, 11 मई, 1974

का० प्रा० 1164—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, सूखी मछली का निर्यात (निरीक्षण) नियम, 1970 में और संशोधन करने के लिये निम्नलिखित नियम बनाती है।

1. (1) इन नियमों का नाम सूखी मछली का निर्यात (निरीक्षण) संशोधन नियम 1974 है।

(2) ये नियम राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. सूखी मछली का निर्यात (निरीक्षण) नियम, 1970 में, नियम 8 के स्थान पर निम्नलिखित नियम रखा जायेगा, अर्थात् :-

“अपील—(1) नियम 4 के उप-नियम (4) के अधीन अभिकरण द्वारा प्रमाण-पत्र देने से इंकार कर दिये जाने से व्यथित कोई व्यक्ति, उसे ऐसे इंकार की सूचना प्राप्त होने से दस दिन के भीतर, केन्द्रीय सरकार द्वारा इस प्रयोजन के लिये नियुक्त विशेषज्ञों के पैनल को, जिसमें कम से कम तीन व्यक्ति होंगे, अपील कर सकेगा।

(2) पैनल में विशेषज्ञों के पैनल की कुछ सदस्यता के कम से कम दो-तिहाई गैर-सरकारी सदस्य होंगे।

(3) पैनल की गणपूर्ति तीन होगी।

(4) ऐसी अपील पर पैनल का विनिश्चय अंतिम होगा।

(5) अपील, उसकी प्राप्ति से पन्द्रह दिन के भीतर निपटा दी जायेगी।”

[सं० 1(29)/73-नि० नि० तथा नि० सं०]

S.O. 1164.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Dried fish (Inspection) Rules, 1970.

1. (1) These rules may be called the Export of Dried Fish (Inspection) Amendment Rules, 1974.

(2) They shall come into force on the date of their publication in the official gazette.

2. In the Export of Dried Fish (Inspection) Rules, 1970, for rule 8 the following rule shall be substituted namely :—

“Appeal.—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (4) of rule 4, may, within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three persons, appointed for the purpose by the Central Government.

(2) The panel will consist of at least two-third of non-officials of the total membership of the panel of experts.

(3) The quorum for the panel shall be three.

(4) the decision of the panel on such appeal shall be final.

(5) The appeal shall be disposed of within 15 days of its receipt.”

[No. 1(29)/73-EI&EP]

का० प्रा० 1165—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, पटसन उत्पाद का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1970 में और संशोधन करने के लिये निम्नलिखित बनाती है।

1. (1) इन नियमों का नाम पटसन उत्पाद का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1974 है।

(2) ये नियम राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. पटसन-उत्पाद का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1970 में, नियम 15 के स्थान पर, निम्नलिखित नियम रखा जायेगा, अर्थात् :—

“अपील—(1) नियम 11 के अधीन अभिकरण द्वारा प्रमाणपत्र देने से इंकार कर दिये जाने से व्यथित कोई व्यक्ति, उसे ऐसे इंकार की सूचना प्राप्त होने से दस दिन के भीतर, केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए गठित विशेषज्ञों के पैनल को, जिसमें कम से कम तीन व्यक्ति होंगे, अपील कर सकेगा।

(2) पैनल में विशेषज्ञों के पैनल की कुल सदस्यता के कम से कम दो-तिहाई गैर सरकारी सदस्य होंगे।

(3) पैनल की गणपूर्ति तीन होगी।

(4) ऐसी अपील पर पैनल का विनिश्चय अंतिम होगा।

[सं० 1(29)/73-नि० नि० तथा नि० सं०]

S.O. 1165.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Jute Products (Quality Control & Inspection) Rules, 1970 namely :—

1. (1) These rules may be called the Export of Jute Products (Quality Control & Inspection) Amendment Rules, 1974.

(2) They shall come into force on the date of their publication in the official gazette.

2. In the Export of Jute Products (Quality Control & Inspection) Rules, 1970, for rule 15 the following rule shall be substituted, namely :—

"Appeal.—(1) Any person aggrieved by the refusal of the agency to issue a certificate under rule 11, may, within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three persons as may be constituted for the purpose by the Central Government.

(2) The panel will consist of at least two-third of non-officials of the total membership of the panel of experts.

(3) The quorum for the panel shall be three.

(4) The decision of the panel on such appeal shall be final."

[No. 1(29)/73 EI&EP]

क्रा० प्रा० 1166—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, ह्स्पान नलियों (ट्यूब्स) और नलिकाकारों (ट्यूब्यूलर्स) का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1970 में और संशोधन करने के लिये निम्नलिखित नियम बनानी है।

1. (1) इन नियमों का नाम ह्स्पान नलियों (ट्यूब्स) और नलिकाकारों (ट्यूब्यूलर्स) का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1974 है।

(2) ये नियम राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. ह्स्पान नलियों (ट्यूब्स) और नलिकाकारों (ट्यूब्यूलर्स) का निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1970 में, नियम 7 के स्थान पर, निम्नलिखित नियम रखा जायेगा, अर्थात् :—

अपील—(1) नियम 4 के उप-नियम (4) के अधीन अधिकरण द्वारा प्रमाण-पत्र देने से इंकार कर देने से व्यक्ति, उसे ऐसे इंकार की संसूचना प्राप्त होने से दस दिन के भीतर, केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए नियुक्त विशेषज्ञों के पैनल को, जिसमें कम से कम तीन व्यक्ति होंगे, अपील कर सकेगा।

(2) पैनल में विशेषज्ञों के पैनल की कुल सदस्यता के कम से कम दो-तिहाई गैर सरकारी सदस्य होंगे।

(3) पैनल की गणपूर्ति तीन होगी।

(4) ऐसी अपील पर पैनल का विनिश्चय अन्तिम होगा।

(5) अपील, उसकी प्राप्ति से पन्द्रह दिन के भीतर निपटा दी जाएगी।

[सं० 1(29)/73 नि० नि० तथा नि० सं०]

S.O. 1166.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Steel Tubes and Tubulars (Quality Control and Inspection) Rules, 1970.

1. (1) These rules may be called the Export of Steel Tubes and Tubulars (Quality Control and Inspection) Amendment Rules, 1974.

(2) They shall come into force on the date of their publication in the official gazette.

2. In the Export of Steel Tubes and Tubulars (Quality Control & Inspection) Rules, 1970, for rule 7 the following rule shall be substituted, namely :—

"Appeal.—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule 4 of rule 4 may, within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three persons, appointed for the purpose by the Central Government.

(2) The panel will consist of at least two-third of non-officials of the total membership of the panel of experts.

(3) The quorum for the panel shall be three.

(4) The decision of the panel on such appeal shall be final.

(5) The appeal shall be disposed of within 15 days of its receipt."

[No. 1(29)/73-EI&EP]

क्रा० प्रा० 1167—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, नाशिकीटमार और उनके निरूपणों का निर्यात (निरीक्षण) नियम, 1970 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है।

1. (1) इन नियमों का नाम नाशिकीटमार और उनके निरूपणों का निर्यात (निरीक्षण) संशोधन नियम, 1974 है।

(2) ये नियम राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. नाशिकीटमार और उनके निरूपणों का निर्यात (निरीक्षण) नियम, 1970 में, नियम 7 के स्थान पर, निम्नलिखित नियम रखा जाएगा, अर्थात् :—

"अपील—(1) नियम 4 के उप-नियम (4) के अधीन अधिकरण द्वारा प्रमाण-पत्र देने से इंकार कर देने से व्यक्ति, उसे ऐसे इंकार की संसूचना प्राप्त होने से दस दिन के भीतर, केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए नियुक्त विशेषज्ञों के पैनल को, जिसमें कम से कम तीन व्यक्ति होंगे, अपील कर सकेगा।

(2) पैनल में विशेषज्ञों के पैनल की कुल सदस्यता के कम से कम दो-तिहाई गैर-सरकारी सदस्य होंगे।

(3) पैनल की गणपूर्ति तीन होगी।

(4) ऐसी अपील पर पैनल का विनिश्चय अन्तिम होगा।

(5) अपील, उसकी प्राप्ति से पन्द्रह दिन के भीतर निपटा दी जाएगी।"

[सं० 1(29)/73-नि० नि० तथा नि० सं०]

S.O. 1167.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963) the Central Government hereby makes the following rules further to amend the Export of Pesticides and their Formulations (Inspection) Rules, 1970.

1. (1) These rules may be called the Export of Pesticides and their Formulations (Inspection) Amendment Rules, 1974.

(2) They shall come into force on the date of their publication in the official gazette.

2. In the Export Pesticides and their Formulations (Inspection) Rules, 1970, for rule 7 the following rule shall be substituted, namely :—

“Appeal.—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (4) of rule 4, may, within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three persons, appointed for the purpose by the Central Government.

(2) The panel will consist of atleast two-third of non-officials of the total membership of the panel of experts.

(3) The quorum for the panel shall be three.

(4) The decision of the panel on such appeal shall be final.

(5) The appeal shall be disposed of within 15 days of its receipt.”

[No. 1(29)/73-EI&EP]

का० प्रा० 1168—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, चीनी मिट्टी उत्पाद का निर्यात (निरीक्षण) नियम, 1969 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है।

1. (1) इन नियमों का नाम चीनी मिट्टी उत्पाद का निर्यात (निरीक्षण) संशोधन नियम, 1974 है।

(2) ये नियम राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. चीनी मिट्टी उत्पाद का निर्यात (निरीक्षण) नियम, 1969 में, नियम 7 के स्थान पर, निम्नलिखित नियम रखा जाएगा अर्थात् :—

“अपील—(1) नियम 4 के उप-नियम (5) के अधीन अभिकरण द्वारा प्रमाण-पत्र देने से इंकार कर देने से व्यक्ति कोई व्यक्ति उसे ऐसे इंकार की संसूचना प्राप्त होने से दस दिन के भीतर, केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए नियुक्त विशेषज्ञों के पैनल को जिसमें कम से कम तीन व्यक्ति होंगे, अपील कर सकेगा।

(2) पैनल में विशेषज्ञों के पैनल की कुल सदस्यता के कम से कम दो-तिहाई गैर-सरकारी सदस्य होंगे।

(3) पैनल की गणपूर्ति तीन होगी।

(4) ऐसी अपील पर पैनल का विनिश्चय अन्तिम होगा।

(5) अपील उसकी प्राप्ति से पन्द्रह दिन के भीतर निपटा दी जाएगी।”

[सं० 1(29)/73-नि० नि० तथा नि० सं०]

S.O. 1168.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Ceramic Products (Inspection) Rules, 1969.

1. (1) These rules may be called the Export of Ceramic Products (Inspection) Amendment Rules, 1974.

(2) They shall come into force on the date of their publication in the official gazette.

2. In the Export of Ceramic Products (Inspection) Rules, 1969, for rule 7 the following rule shall be substituted, namely :—

“Appeal.—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (5) of rule 4, may, within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three persons, appointed for the purpose by the Central Government.

(2) The panel will consist of atleast two-third of non-officials of the total membership of the panel of experts.

(3) The quorum for the panel shall be three.

(4) The decision of the panel on such appeal shall be final.

(5) The appeal shall be disposed of within 15 days of its receipt.”

[No. 1(29)/73-EI&EP]

का० प्रा० 1169—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, बाइलिन फिल्म और चदरों का निर्यात (निरीक्षण) नियम, 1969 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है।

1. (1) इन नियमों का नाम बाइलिन फिल्म और चदरों का निर्यात (निरीक्षण) संशोधन नियम, 1974 है।

(2) ये नियम राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. बाइलिन फिल्म और चदरों का निर्यात (निरीक्षण) नियम 1969 में, नियम 7 के स्थान पर, निम्नलिखित नियम रखा जाएगा, अर्थात् :—

“अपील—(1) नियम 4 के उपनियम (4) के अधीन अभिकरण द्वारा प्रमाण पत्र देने से इंकार कर देने से व्यक्ति कोई व्यक्ति उसे ऐसे इंकार की संसूचना प्राप्त होने से दस दिन के भीतर केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए नियुक्त विशेषज्ञों के पैनल को, जिसमें कम से कम तीन व्यक्ति होंगे, अपील कर सकेगा।

(2) पैनल में विशेषज्ञों के पैनल की कुल सदस्यता के कम से कम दो-तिहाई गैर-सरकारी सदस्य होंगे।

(3) पैनल की गणपूर्ति तीन होगी।

(4) ऐसी अपील पर पैनल का विनिश्चय अन्तिम होगा।

(5) अपील, उसकी प्राप्ति से पन्द्रह दिन के भीतर निपटा दी जाएगी।”

[सं० 1(29)/73-नि० नि० तथा नि० सं०]

S.O. 1169.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Vinyl Films and Sheeting (Inspection) Rules, 1969

1. (1) These rules may be called the Export of Vinyl Film and Sheeting (Inspection) Amendment Rules, 1974.

(2) They shall come into force on the date of their publication in the official gazette.

2. In the Export of Vinyl Film and Sheeting (Inspection) Rules, 1969, for rule 7 the following rule shall be substituted namely :—

"Appeal.—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (4) of rule 4, may, within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three persons, appointed for the purpose by the Central Government.

(2) The panel will consist of at least two-third of non-officials of the total membership of the panel of experts.

(3) The quorum for the panel shall be three.

(4) The decision of the panel on such appeal shall be final.

(5) The appeal shall be disposed of within 15 days of its receipt."

[No. 1(29)/EI&EP]

का० आ० 1170—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार विद्युत् प्रयोजनों के लिए रबड़ दस्तानों का निर्यात (निरीक्षण) नियम, 1972 में और संशोधन के लिए निम्नलिखित नियम बनाती है ।

1. (1) इन नियमों का नाम विद्युत् प्रयोजनों के लिए रबड़ दस्तानों का निर्यात (निरीक्षण) संशोधन नियम, 1974 है ।

(2) ये नियम राजपत्र में प्रकाश की तारीख को प्रवृत्त होंगे ।

2. विद्युत् प्रयोजनों के लिए रबड़ दस्तानों का निर्यात (निरीक्षण) नियम, 1972 में, नियम 7 के स्थान पर, निम्नलिखित नियम रखा जाएगा, अर्थात् :—

"अपील—(1) नियम 4 के उप-नियम (6) के अधीन अधिकरण द्वारा प्रमाण-पत्र देने में इंकार कर दिए जाने से व्यक्ति कोई व्यक्ति, उसे ऐसे इंकार की संसूचना प्राप्त होने से दस दिन के भीतर, केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए नियुक्त विशेषज्ञों के पैनल को, जिसमें कम-से-कम तीन व्यक्ति होंगे, अपील कर सकेगा ।

(2) पैनल में विशेषज्ञों के पैनल की कुल संख्या के कम-से-कम दो—तिहाई गैर-सरकारी सदस्य होंगे ।

(3) पैनल की गणपूर्ति तीन होगी ।

(4) ऐसी अपील पर पैनल का विनिश्चय अन्तिम होगा ।

(5) अपील, उसकी प्राप्ति से पन्द्रह दिन के भीतर निपटा दी जाएगी ।"

[सं० 1(29)/73-नि० नि० तथा नि० सं०]

S.O. 1170.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of

15 G of I/74—2

Rubber Gloves for Electrical Purposes (Inspection) Rules, 1972.

1. (1) These rules may be called the Export of Rubber Gloves for Electrical Purposes (Inspection) Amendment Rules, 1974.

(2) They shall come into force on the date of their publication in the official gazette.

2. In the Export of Rubber Gloves for Electrical Purposes (Inspection) Rules, 1972, for rule 7 the following rule shall be substituted, namely :—

"Appeal.—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule (6) of rule 4, may, within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three persons, appointed for the purpose by the Central Government.

(2) The panel will consist of at least two-third of non-officials of the total membership of the panel of experts.

(3) The quorum for the panel shall be three.

(4) The decision of the panel on such appeal shall be final.

(5) The appeal shall be disposed of within 15 days of its receipt."

[No. 1(29)/73-EI&EP]

का० आ० 1171—निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार चमकदार इस्पात छड़ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1973 में और संशोधन करने के लिए निम्नलिखित नियम बनाती है ।

1. (1) इन नियमों का नाम चमकदार इस्पात छड़ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) संशोधन नियम, 1974 है ।

(2) ये नियम राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे ।

2. चमकदार इस्पात छड़ निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1973 में, नियम 7 के स्थान पर, निम्नलिखित नियम रखा जाएगा, अर्थात् :—

"अपील—(1) नियम 4 के उप-नियम (5) के अधीन अधिकरण द्वारा प्रमाण-पत्र देने में इंकार कर दिए जाने से व्यक्ति कोई व्यक्ति, उसे ऐसे इंकार की संसूचना प्राप्त होने से दस दिन के भीतर, केन्द्रीय सरकार द्वारा इस प्रयोजन के लिए नियुक्त विशेषज्ञों के पैनल को, जिसमें कम-से-कम तीन व्यक्ति होंगे, अपील कर सकेगा ।

(2) पैनल में विशेषज्ञों के पैनल की कुल सदस्यता के कम-से-कम दो—तिहाई गैर-सरकारी सदस्य होंगे ।

(3) पैनल की गणपूर्ति तीन होगी ।

(4) ऐसी अपील पर पैनल का विनिश्चय अन्तिम होगा ।

(5) अपील, उसकी प्राप्ति से पन्द्रह दिन के भीतर निपटा दी जाएगी ।"

[सं० 1(29)/73-नि० नि० तथा नि० सं०]

म० कु० ब० भटनागर, अवसर सचिव

S.O. 1171.—In exercise of the powers conferred by section 17 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby makes the following rules further to amend the Export of Bright Steel Bars (Quality Control and Inspection) Rules, 1973.

1. (1) These rules may be called the Export of Bright Steel Bars (Quality Control and Inspection) Amendment Rules, 1971.
- (2) They shall come into force on the date of their publication in the official gazette.
2. In the Export of Bright Steel Bars (Quality Control and Inspection) Rules, 1973, for rule 7 the following rule shall be substituted, namely :—

“Appeal.—(1) Any person aggrieved by the refusal of the agency to issue a certificate under sub-rule 5 of rule 4, may, within ten days of the receipt of the communication of such refusal by him, prefer an appeal to a panel of experts consisting of not less than three persons, appointed for the purpose by the Central Government.

- (2) The panel will consist of at least two-third of non-officials of the total membership of the panel of experts.
- (3) The quorum for the panel shall be three.
- (4) The decision of the panel on such appeal shall be final.
- (5) The appeal shall be disposed of within 15 days of its receipt.”

[No. 1(29)/73-EI&EP]
M. K. BHATNAGAR, Under Secy.

आन्तरिक व्यापार विभाग

नई दिल्ली, 3 अप्रैल, 1974

क्र० आ० 1172.—केन्द्रीय सरकार, अग्रिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 5 के अधीन दी गई मान्यता के नवीकरण के लिए मुंबई आयलसीड्स एण्ड आयल्स एक्सचेंज लिमिटेड, मुंबई द्वारा आवेदन पर, बायदा बाजार आयोग से परामर्श करके विचार कर लेने पर और यह समाधान हो जाने पर कि ऐसा करना व्यापार और लोकहित में भी होगा, उक्त अधिनियम की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मुंगफली के तेल की अग्रिम संविदाओं की बाबत उक्त एक्सचेंज को 25 अप्रैल, 1974 से 24 अप्रैल, 1975 तक (जिसमें दोनों दिन सम्मिलित हैं) एक वर्ष की और कालावधि के लिए एतद्वारा मान्यता प्रदान करती है।

2. एतद्वारा दी गई मान्यता इस शर्त के अध्वधीन है कि उक्त एक्सचेंज ऐसे निदेशों का पालन करेगा जो बायदा बाजार आयोग द्वारा समय-समय पर दिये जायेंगे।

[क्र० सं० 12(2) आई०टी०/74]

(Department of Internal Trade)

New Delhi, the 3rd April, 1974

S.O. 1172.—The Central Government having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under Section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by the Bombay Oilseeds and Oils Exchange Limited, Bombay, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by Section 6 of the said Act, recognition to the said Exchange for a further period of one year from the 25th April, 1974 to

the 24th April, 1975, (both days inclusive) in respect of forward contracts in groundnut oil.

2. The recognition hereby granted is subject to the condition that the said Exchange shall comply with the directions as may, from time to time, be given by the Forward Markets Commission.

[F. No. 12(2)-IT/74]

नई दिल्ली, 30 अप्रैल, 1974

क्र० आ० 1173.—केन्द्रीय सरकार, सेंट्रल इंडिया कमर्शियल एक्सचेंज लिमिटेड, ग्वालियर द्वारा मान्यता के पुनर्वीकरण के लिए अग्रिम संविदा (विनियमन) अधिनियम, 1952 (1952 का 74) की धारा 5 के अधीन दिए गए आवेदन पर, बायदा बाजार आयोग से परामर्श करके, विचार कर लेने पर, और अपना यह समाधान हो जाने पर कि ऐसा करना व्यापार के हित में और लोकहित में भी होगा, उक्त अधिनियम की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त एक्सचेंज को अलसी की अग्रिम संविदाओं की बाबत 2 जून, 1974 से 1 जून, 1975 तक (जिसमें ये दोनों दिन सम्मिलित हैं) एक वर्ष की अतिरिक्त कालावधि के लिए मान्यता प्रदान करती है।

2. एतद्वारा प्रदत्त मान्यता इस शर्त के अध्वधीन है कि उक्त एक्सचेंज बायदा बाजार आयोग द्वारा समय-समय पर दिए जाने वाले निदेशों का अनुपालन करेगा।

[क्र० सं० 12 (3)-आईटी/74]

यू० एस० राना, संयुक्त निदेशक

New Delhi, the 30th April, 1974

S.O. 1173.—The Central Government, having considered in consultation with the Forward Markets Commission, the application for renewal of recognition made under Section 5 of the Forward Contracts (Regulation) Act, 1952 (74 of 1952) by the Central India Commercial Exchange Ltd., Gwalior, and being satisfied that it would be in the interest of the trade and also in the public interest so to do, hereby grants, in exercise of the powers conferred by Section 6 of the said Act, recognition to the said Exchange for a further period of one year from 2nd June, 1974 to the 1st June, 1975 (both days inclusive) in respect of forward contracts in linseed.

2. The recognition hereby granted is subject to the condition that the said Exchange shall comply with such directions as may from time to time be given by the Forward Markets Commission.

[F. No. 12(3)-IT/74]

U. S. RANA, Jt. Secy.

मुख्य नियंत्रक, आयात-निर्यात का कार्यालय

आवेश

नई दिल्ली, 10 अप्रैल, 1974

क्र० आ० 1174.—श्री एस० पी० सिंह सूद अधिवक्ता उच्च न्यायालय, बी-1/356, सिविल लाइन्स मुद्रियाना को 32 बोर रियाल्बर के आयात के लिये एक हजार बयवा सीमाशुल्क निकासी परमिट संख्या पी/जे/3045658/एन/एस ए/एच/37-38 दिनांक 18-12-73 प्रदान किया गया था। उन्होंने सीमाशुल्क निकासी परमिट की अनुलिपि प्रति के लिये इस आधार पर आवेदन किया है कि मूल सीमाशुल्क निकासी परमिट खो गया है/अस्थानस्थ हो गया है। आगे यह बताया गया है कि मूल सीमाशुल्क निकासी परमिट किसी भी सीमाशुल्क कार्यालय में पंजीकृत नहीं था और न उपयोग किया गया था।

इस तर्क के समर्थन में एक शपथ पत्र दाखिल किया है। मैं संतुष्ट हूँ कि मूल सीमाशुल्क निकासी परमिट संख्या पी/जे/3045658 दिनांक 18-12-73 खो गया है/अस्थायित्व हो गया है। अब निदेश देना है कि आवेदक को एक अनुलिपि सीमाशुल्क निकासी परमिट जारी किया जाना चाहिए। मूल सीमाशुल्क निकासी परमिट रद्द किया जाता है।

[संख्या : 315-4/एम-110/ए एम 74/एडहोक/114/205]

Office of the Chief Controller of Imports & Exports

ORDER

New Delhi, the 10th April, 1974

S.O. 1174.—Shri S. P. Singh Sud, Advocate, High Court B. 1/356, Civil Lines, Ludhiana was granted CCP No. P/J./3045658/N/MN/H/37-38 dated the 18th December, 1973 for Rs. 1000 only for the import of a .32 Bore revolver. He has applied for a duplicate copy of the C.C.P. on the ground that the original C.C.P. has been lost/misplaced. It is further stated that the original C.C.P. was not registered with any Custom House and not utilised. In support of this contention, he has filed an affidavit, I am satisfied that the original CCP No. P/J/3045658 dated 18-12-73 has been lost/misplaced and direct that a duplicate C.C.P. should be issued to the applicant. The original C.C.P. is cancelled.

[No. 315-IV/S-110/AM-74/Ad hoc/114/205]

आदेश

नई दिल्ली, 26 अप्रैल, 1974

क्र० आ० 1175.—सर्वश्री एसोसिएटेड जनेल लि०, 1, विश्वेश्वरनाथ रोड, लखनऊ को 2,71,000/- रु० (दो लाख इक्कातर हजार रुपये मात्र) का एक आयात लाइसेंस संख्या पी/ए/1377485, दिनांक 9-4-73 स्वीकृत किया गया था। उन्होंने उक्त लाइसेंस की अनुलिपि सीमाशुल्क प्रयोजन प्रति के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क प्रयोजन प्रति खो गई/अस्थायित्व हो गई है। आगे यह बताया गया है कि मूल सीमाशुल्क प्रयोजन प्रति का बिल्कुल उपयोग नहीं किया गया था।

2. इस तर्क के समर्थन में आवेदक ने शपथ श्राव्य, मिथिल कॉर्ट, लखनऊ से प्रमाण पत्र के साथ एक शपथ पत्र दाखिल किया है। तदनुसार मैं संतुष्ट हूँ कि उक्त लाइसेंस की मूल सीमाशुल्क प्रयोजन प्रति खो गई है इसलिए यथासंशोधित आयात (नियंत्रण) आदेश, 1955, दिनांक 7-12-55 की उप-धारा 9 (सी सी) के अन्तर्गत प्रदान अधिकारों का प्रयोग कर सर्वश्री एसोसिएटेड जनेल, लखनऊ को जारी किए गए लाइसेंस संख्या : पी/ए/1377485, दिनांक 9-4-73 की उक्त मूल सीमाशुल्क प्रयोजन प्रति एतद्वारा रद्द की जाती है।

3. लाइसेंसधारी को उक्त लाइसेंस की अनुलिपि सीमाशुल्क प्रयोजन प्रति अलग से जारी की जा रही है।

[संख्या : 44-5/बीपी-263/73-74/एन पी सी बी/24]

सरदूल सिंह, उप-मुख्य नियंत्रक

ORDER

New Delhi, the 26th April, 1974

S.O. 1175.—M/s. The Associated Journals Ltd., 1, Bisheshwar Nath Road, Lucknow were granted an import licence

No. P/A/1377485 dated 9-4-1973 for Rs. 2,71,000/- (Rupees Two Lakhs and Seventy One Thousand only). They have applied for the issue of a duplicate Customs Purposes copy of the said licence on the ground that the original Customs Purposes copy has been lost/misplaced. It is further stated that the original Customs Purposes copy was unutilised.

2. In support of this contention the applicant has filed an affidavit along with a certificate from Commissioner of Affidavit Civil Court, Lucknow. I am accordingly satisfied that the original Customs Purposes copy of the said licence has been lost. Therefore in exercise of the powers conferred under Sub-clause 9(cc) of the Imports (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs Purposes copy of licence No. P/A/1377485 dated 9-4-1973 issued to M/s. Associated Journals Ltd., Lucknow is hereby cancelled.

3. A duplicate Customs Purposes/Exchange Control Purposes copy of the said licence is being issued separately to the licensee.

[No. 44-V/BP-236/73-74/NP CIB/24]

SARDUL SINGH, Dy. Chief Controller

आदेश

नई दिल्ली, 29 अप्रैल, 1974

क्र० आ० 1176.—सर्वश्री हिन्दुस्तान एयरोनाटिक्स लि०, बंगलूर-17 को 68,50,000 रुपये (अड़सठ लाख पचास हजार रुपये मात्र) के लिए एक आयात लाइसेंस संख्या आई/ए/1049548/सी/एक्सएम/43/एच/33-34 दिनांक 16-5-72 प्रदान किया गया था। उन्होंने अनुलिपि सीमाशुल्क प्रयोजन प्रति के लिए इस आधार पर आवेदन किया है कि मूल सीमाशुल्क प्रयोजन प्रति खो गई है। आगे यह बताया गया है कि मूल सीमाशुल्क प्रयोजन प्रति मद्रास सीमाशुल्क प्राधिकारियों के पास पंजीकृत थी और उसका आंशिक उपयोग कर लिया गया था। उसका 13,13,827 रुपये तक उपयोग कर लिया गया था और 23-3-1974 को उस पर 55,36,173 रुपए का उपयोग करना बाकी था।

2. अपने तर्क के समर्थन में आवेदक ने एक शपथ पत्र दाखिल किया है। मैं संतुष्ट हूँ कि उक्त लाइसेंस की मूल सीमाशुल्क प्रयोजन प्रति खो गई है। इसलिए, यथा संशोधित आयात (नियंत्रण) आदेश, 1955 दिनांक 7-12-1955 की उप-धारा 9 (सी सी) में प्रदान अधिकारों का प्रयोग कर सर्वश्री हिन्दुस्तान एयरोनाटिक्स लि०, बंगलूर के नाम में जारी किए गए लाइसेंस सं० आई/ए/1049548/सी/एक्सएम/43/एच/33-34 दिनांक 16-5-72 की मूल सीमाशुल्क प्रयोजन प्रति को एतद्वारा रद्द किया जाता है।

3. लाइसेंसधारी को उक्त लाइसेंस की एक अनुलिपि सीमाशुल्क प्रयोजन प्रति अलग से जारी की जा रही है।

[संख्या: एच ए एन/81/71-72/पी एल एस (ए)]

एस० के० उम्माती, उप-मुख्य नियंत्रक

ORDER

New Delhi, the 29th April, 1974

S.O. 1176.—M/s. Hindustan Aeronaotics Ltd., Bangalore-17 were granted an import licence No. I/A/1049548/C/XX/43/H/33-34 dated 16-5-1972 for Rs. 68,50,000 (Rupees Sixty-eight lakhs and fifty thousand only). They have applied for the issue of a duplicate Customs Purposes copy of the said licence on the ground that the original Customs Purposes copy has been lost. It is further stated that the original Customs Purposes copy was registered with the Customs authorities at Madras and was utilised partly. It was utilised for Rs. 13,13,827/- and the balance available on it was Rs. 55,36,173 as on 23-3-1974.

2. In support of this contention the applicant has filed an affidavit. I am accordingly satisfied that the original Customs Purposes copy of the said licence has been lost. Therefore in exercise of the powers conferred under Sub-clause 9(cc) of the Imports (Control) Order, 1955 dated 7-12-1955 as amended the said original Customs Purposes copy of licence No. I/A/1049548/C/XX[43]H[33-34 dated

16-5-1972 issued to M/s. Hindustan Aeronautics Ltd., Bangalore is hereby cancelled.

3. A duplicate Customs Purposes copy of the said licence is being issued separately to the licensee.

[No. HAL/81/71-72/PLS (A)]

S. K. USMANI, Dy. Chief Controller

औद्योगिक विकास, विज्ञान एवं प्रौद्योगिकी संवालय

(भारतीय मानक संस्था)

नई दिल्ली, 22 अप्रैल, 1974

क्रा० आ० 1177 :—भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम, 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि लाइसेंस संख्या सी० एम०/एल० 2767 जिसके व्योरे नीचे अनुसूची में दिये गये हैं, संगठन का नाम बदल जाने के कारण 1 अप्रैल, 1974 से रद्द कर दिया गया है :—

अनुसूची

| क्रम संख्या | लाइसेंस की संख्या और तिथि | लाइसेंसधारी का नाम और पता | रद्द किये गये लाइसेंस के अधीन वस्तु/प्रक्रिया | तत्सम्बन्धी भारतीय मानक |
|-------------|--------------------------------------|--|---|----------------------------------|
| 1. | सी० एम०/एल०-2767 16 सितम्बर, 1971 | मैसर्स पिल्सनर ब्रूरीज इंडिया लि०, आर्लेम यूनिट, आर्लेम, मार्गाव बोरीम रोड, गोआ, इसका कार्यालय चौलगुले हाउस मोरमगांव बन्दरगाह, गोआ में है। | बियर | IS ए० 3865-1968 बियर की विशिष्टि |

[सं० सी० एम० डी 55:2767 (ए० एफ० डी०)]

MINISTRY OF INDUSTRIAL DEVELOPMENT SCIENCE AND TECHNOLOGY

(Indian Standards Institution)

New Delhi, the 22nd April, 1974

S. O. 1177.—In pursuance of sub-regulation (4) of regulation 14 of the Indian Standards Institution (Certification Marks) Regulation 1955 as amended from time to time, the Indian Standards Institution hereby notifies that Licence No. CM/L-2767 particulars of which are given below has been cancelled with effect from 1 April, 1974 due to the change in the name of the Organisation:—

| Sl. No. | Licences No. & Date | Name and Address of the Licensee | Articles/Process governed by the licences cancelled | Relevant Indian Standard |
|---------|---------------------------|--|---|---------------------------------------|
| 1 | CM/L-2767 16 Sep. 1971 | M/s Pilsner Breweries India Ltd., Arlem Unit, Arlem, Margao-Borim Road Goa, Having their office at 'Chowgule House' Mormugao Harbour, Goa. | Beer | IS : 3865-1966 Specification for Beer |

[No. CMD/55:2767(AFD)]

क्रा० आ० 1178 :—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम, 1955 के विनियम 5 के उपविनियम (1) के अनुसार और IS: 675-1973 झंडी के वर्स्टेड कपड़े की विशिष्टि (दूसरा पुनरीक्षण) के प्रकाशन के फलस्वरूप अधिसूचित किया जाता है कि IS: 676-1963 झंडी के वर्स्टेड कपड़े की विशिष्टि (पुनरीक्षित) जिसके व्योरे भारत के राजपत्र भाग II खण्ड 3 उपखण्ड (ii) दिनांक 1 फरवरी, 1964 में अधिसूचना संख्या एम० ओ० 415 दिनांक 22 जनवरी, 1964 के अन्तर्गत छपे थे, रद्द कर दी गई है क्योंकि IS: 676-1963 में दी गई अपेक्षाएँ IS: 675-1973 में शामिल कर ली गई हैं।

[सं० सी० एम० डी०/13:7]

New Delhi, the 24th April, 1974

S. O. 1178.—In pursuance of sub-regulation (1) of Regulation 5 of the Indian Standards Institution (Certification Marks) Regulations 1955, as amended from time to time, and consequent upon publication of IS: 675-1973 Specification for bunting, worsted (second revision), it is hereby notified that IS: 676-1963 Specification for bunting, worsted (revised), details of which were published under notification number S.O. 415 dated 22 January 1964, in the gazette of India, Part II, Section 3, Sub-section (ii) dated 1 February, 1964, has been cancelled. The requirements of IS : 676-1963 have been covered in IS : 675-1973.

[No. CMD/13:7]

क्र० आ० 1179.—भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम, 1955 के विनियम 7 के उपविनियम (3) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि विभिन्न उत्पादों की प्रति इकाई मुहर लगाने की फीस नीचे अनुसूची में दिये गये व्योरे के अनुसार निर्धारित की गई हैं। ये फीस आगे दिखाई गई तिथियों से लागू हो जायेंगी।—

अनुसूची

| क्रम संख्या | उत्पाद/उत्पाद का वर्ग | सम्बद्ध भारतीय मानक की पदसंख्या और शीर्षक | इकाई | प्रति इकाई मुहर लगाने लागू होने की तिथि की फीस | |
|-------------|--|---|--------------|---|----------------|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. | वांछित रंग देने के लिये सीमेंट का रंग रोगन | IS : 5410-1969 वांछित रंग देने के लिये सीमेंट के रंग रोगन की विशिष्टि | एक कि० ग्रा० | 1 पैसा | 16 अगस्त, 1973 |
| 2. | ओ०-एनीमिडीन | IS : 5648-1970 ओ०-एनीमिडीन की विशिष्टि | एक कि० ग्रा० | (1) पहली 50,000 इकाइयों तक 2 पैसे प्रति इकाई (2) शेष इकाइयों के लिये 1 पैसा प्रति इकाई | 16 जनवरी, 1974 |

[सं० सी० एम० डी०/13:10]

S.O. 1179.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee(s) per unit for various products, details of which are given in the Schedule hereto annexed, have been determined and the fee(s) shall come into force with effect from the dates shown against each.

SCHEDULE

| Sl. No. | Product/Class of Products | No. and Title of Relevant Indian Standard | Unit | Marking Fee per Unit | Date of Effect |
|---------|----------------------------------|---|---------|--|----------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. | Cement paint, colour as required | IS:5410-1969 Specification for cement paint, colour as required | One kg. | 1 Paisa | 16 Aug., 1973 |
| 2. | O-anisidine | IS:5648-1970 Specification for O-anisidine | One kg. | (i) 2 paise per unit for first 50,000 units and (ii) 1 paise per unit for the remaining units | 16 Jan., 1974 |

[No CMD/13:10]


क्र० आ० 1180.—भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 4 के उपविनियम (1) के अनुसार भारतीय मानक संस्था की ओर से अधिसूचित किया जाता है कि त्रिन मानक चिह्नों के डिजाइन और शाब्दिक विवरण तत्सम्बन्धी भारतीय मानकों के शीर्षक सहित नीचे अनुसूची में दिये गये हैं, वे भारतीय मानक संस्था द्वारा निर्धारित किये गये हैं।

भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम, 1952 और उसके अधीन बने नियमों के निमित्त ये मानक चिह्न उनके आगे दी हुई तिथियों से लागू हो जायेंगे।

अनुसूची

| क्रम संख्या | मानक चिह्न की डिजाइन | उत्पाद/उत्पादों की श्रेणी | तत्सम्बन्धी भारतीय मानक की पदसंख्या और शीर्षक | मानक चिह्न का शाब्दिक विवरण | लागू होने की तिथि |
|-------------|----------------------|--|---|---|-------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. | IS: 5410 | वांछित रंग देने के लिये सीमेंट का रंग रोगन | IS : 5410-1969 वांछित रंग देने के लिये सीमेंट के रंग रोगन की विधि | भारतीय मानक संस्था के मोनोग्राम जिसमें ISI शब्द होते हैं, स्तम्भ (2) में दिखाई गई गैसी और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम में ऊपर की ओर भारतीय मानक संस्था की पदसंख्या दी गई है। | 16 अगस्त, 1973 |





| 1 | 2 | 3 | 4 | 5 | 6 |
|---|---|-------------|---------------------------------------|--|---------------|
| 2 | IS 5648 | ओ०—एनीसिडीन | IS : 5648-1970 ओ०—एनीसिडीन की विशिष्ट | भारतीय मानक संस्था के मोनोग्राम चिह्न में ISI शब्द होने है स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम में ऊपर की ओर भारतीय मानक संस्था की पदसंख्या दी गई है। | 16 जनवरी 1974 |
| |  | | | | |

[सं० सी० एम० डी०/13.9]

S.O. 1180.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from the dates shown against each :

SCHEDULE




| S. Design of the Standard No. | Product/Class of Product Mark | No. and Title of the Relevant Indian Standard | Verbal description of the Design of the Standard Mark | Date of Effect | |
|-------------------------------|---|---|---|----------------|-----|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. |  Cement paint, colour as required. | IS : 5410-1969 Specification for cement, paint, colour as required. | The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design. | 16 Aug. 1973 | |
| 2. |  O-anisidine. | IS : 5648-1970 Specification for O-anisidine. | The monogram of the Indian Standards Institution consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design. | 16 Jan., 1974 | |

[No. CMD/13:9]

नई दिल्ली 26 अप्रैल, 1974

क्र० आ० 1181.—भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 4 के उपविनियम (1) के अनुसार भारतीय मानक संस्था की ओर से अधिसूचित किया जाता है कि जिन मानक चिह्नों के डिजाइन और शब्दिक विवरण तत्सम्बन्धी भारतीय मानकों के शीर्षक सहित नीचे अनुसूची में दिये गये हैं, वे भारतीय मानक संस्था द्वारा निर्धारित किए गए हैं।

भारतीय मानक संस्था (प्रमाणन चिह्न) अधिनियम 1952 और उसके अधीन बने नियमों के निमित्त ये मानक चिह्न उनके आगे दी हुई तिथियों से लागू हो जायेंगी।

| अनुसूची | | | | | |
|-------------|---|---|--|---|-------------------|
| क्रम संख्या | मानक चिह्न की डिजाइन | उत्पाद / उत्पाद की श्रेणी | तत्सम्बन्धी भारतीय मानक की संख्या और पद नाम | मानक चिह्न के डिजाइन का शब्दिक विवरण | लागू होने की तिथि |
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. |  | अमोनियम सल्फेट, उर्वरक ग्रेड | IS:826-1967 अमोनियम सल्फेट उर्वरक ग्रेड की विनिष्टि (पहला पुनरीक्षण) | भारतीय मानक संस्था का मोनोग्राम जिसमें 'ISI' शब्द होते हैं स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम में ऊपर की ओर भारतीय मानक की पद संख्या दी गयी है। | 16 जनवरी, 1974 |
| 2. |  | इथाइलीन डाइब्रोमाइड | IS:1311-1966 इथाइलीन ब्रोमाइड की विनिष्टि (पहला पुनरीक्षण) | भारतीय मानक संस्था का मोनोग्राम जिसमें 'ISI' शब्द होते हैं स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम में ऊपर की ओर भारतीय मानक की पद संख्या दी गई है। | 16 नवम्बर, 1973 |
| 3. |  | झाफिटिंग प्रणाली के लिए संश्लिष्ट रबड़ के ऐप्रन (प्रबलित) | IS:4892-1968 झाफिटिंग प्रणाली के लिए संश्लिष्ट रबड़ के ऐप्रन (प्रबलित) की विनिष्टि | भारतीय मानक संस्था का मोनोग्राम जिसमें 'ISI' शब्द होते हैं स्तम्भ (2) में दिखाई गई शैली और अनुपात में तैयार किया गया है और जैसा डिजाइन में दिखाया गया है उस मोनोग्राम में ऊपर की ओर भारतीय मानक की पद संख्या दी गई है। | 16 जनवरी, 1974 |



[सं० सी एम जी/13:9]


New Delhi, the 26 April, 1974

S.O. 1181.—In pursuance of sub-rule (1) of rule 4 of the Indian Standards Institution (Certification Marks) Rules, 1955 the Indian Standards Institution hereby notifies that the Standard Mark(s), design(s) of which together with the verbal description of the design(s) and the title(s) of the relevant Indian Standard(s) are given in the Schedule hereto annexed, have been specified.

These Standard Mark(s) for the purpose of the Indian Standards Institution (Certification Marks) Act, 1952 and the Rules and Regulations framed thereunder, shall come into force with effect from the dates shown against each.

SCHEDULE

| Sl. No. | Design of the Standard Mark | Product/Class of Product | No. and Title of the Relevant Indian Standard | Verbal description of the Design of the Standard Mark | Date of Effect |
|---------|---|--------------------------------------|---|---|----------------|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. |  | Ammonium sulphate, fertilizer grade. | IS : 826-1967 Specification for ammonium sulphate, fertilizer grade (First Revision). | The monogram of the Indian Standards Institution, consisting of letters 'ISI' drawn in the exact style and relative proportions as indicated in Col (2); the number of the Indian Standard being superscribed on the top side of monogram as indicated in the design. | 16 Jan. 1974. |
| 2. |  | Ethylene dibromide | IS: 1311-1966 Specification for ethylene dibromide (First Revision) | The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col. (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design. | 16 Nov., 1973 |

| (1) | (2) | (3) | (4) | (5) | (6) |
|-----|---|---|--|--|-------------|
| 3. |  | Synthetic rubber aprons (reinforced) for drafting systems | IS:4892-1968 Specification for Synthetic rubber aprons (reinforced) for drafting systems | The monogram of the Indian Standards Institution, consisting of letters 'ISI', drawn in the exact style and relative proportions as indicated in Col (2); the number of the Indian Standard being superscribed on the top side of the monogram as indicated in the design. | 16 Jan 1974 |

[No. CMD/13:9]

का० आ० 1182.—भारतीय मानक संस्था (प्रमाणन चिह्न) विनियम 1955 के विनियम 7 के उपविनियम (3) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि विभिन्न उत्पादों की प्रति इकाई मुहर लगाने की फीस नीचे अनुसूची में दिए गए व्यौरों के अनुसार निर्धारित की गई है। वे फीसे आगे दिखाई गई स्थितियों से लागू हो जायेंगी।

अनुसूची

| क्रम उत्पाद/उत्पाद का वर्ग सं० | सम्बद्ध भारतीय मानक की पदसंख्या इकाई और शीर्षक | प्रति इकाई मुहर लगाने की फीस लागू होने की तिथि |
|---|---|---|
| (1) | (2) | (3) |
| 1. अमोनियम सल्फेट, उर्वरक ग्रेड | IS: 826-1967 अमोनियम सल्फेट एक मीटरी टन उर्वरक ग्रेड की विशिष्टि (पहला पुनरीक्षण) | (1) पहली 50000 इकाइयों के लिए 16 जनवरी, 74 10 पैसे प्रति इकाई; (2) अगली 50000 इकाइयों के लिए 5 पैसे प्रति इकाई; (3) अगली 100000 तक इकाइयों के लिए 2 पैसे प्रति इकाई; और (4) शेष इकाइयों के लिए 1 पैसा प्रति इकाई; |
| 2. इथाइलीन डाइब्रोमाइड | IS: 1311-1966 इथाइलीन डाइब्रोमाइड की विशिष्टि (पहला पुनरीक्षण) | एक कि० ग्रा 1 पैसा 16 नवम्बर, 1973 |
| 3. ड्राफ्टिंग प्रणाली के लिए संश्लिष्ट रबर के ऐप्रन (प्रबलित) | IS: 4892-1968 ड्राफ्टिंग प्रणाली के लिये संश्लिष्ट रबर के ऐप्रन (प्रबलित) की विशिष्टि | 1000 मव 40 पैसे 16 जनवरी 1974 |

[सं० सी एम डी/13:10]

S. O. 1182.—In pursuance of sub-regulation (3) of regulation 7 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that the marking fee(s) per unit for various products, details of which are given in the Schedule hereto annexed/have been determined and the fee(s) shall come into force with effect from the dates shown against each:

SCHEDULE

| Sl. Product/Class of Product No. | No. and Title of Relevant Indian Standard | Unit | Marking Fee per Unit | Date of Effect |
|---|---|--------------|--|----------------|
| (1) | (2) | (3) | (4) | (5) |
| 1. Ammonium sulphate fertilizer grade. | IS : 826-1967 Specification for ammonium sulphate fertilizer grade (First Revision) | One tonne | (i) 10 Paise per unit for the first 50,000 units; (ii) 5 Paise per unit for the next 50,000 units; (iii) 2 Paise per unit for the next 100,000 units and; (iv) 1 Paise per unit for the remaining units | 16 Jan. 74 |
| 2. Ethylene dibromide. | IS : 1311-1966 Specification for ethylene dibromide. (First Revision) | 1 kg. | 1 Paise. | 16 Nov. 1973. |
| 3. Synthetic rubber aprons (reinforced) for drafting systems. | IS : 4892-1968 Specification for synthetic rubber aprons (reinforced) for drafting systems. | 1000 pieces. | 40 Paise. | 16 Jan. 1974. |

[No. CMD/13:10]

नई दिल्ली, 29 अप्रैल 1974

अनुसूची

क्र० ११८३.—समय-समय पर संशोधित भारतीय मानक संस्था (प्रमाणन विज्ञान) विनियम 1955 के विनियम 14 के उपविनियम (4) के अनुसार भारतीय मानक संस्था द्वारा अधिसूचित किया जाता है कि जिस लाइसेंस के व्योरे नीचे अनुसूची में दिया गया है वह 16 फरवरी 1974 से लाइसेंसधारी का नाम बदल जाने के कारण रद्द कर दिया गया है।

| लाइसेंस संख्या और तिथि | लाइसेंसधारी का नाम और पता | रद्द किए गए लाइसेंस के अधीन वस्तु / प्रक्रिया | तत्सम्बन्धी भारतीय मानक |
|---------------------------|--|---|-------------------------|
| सी एम/एल-2358 1-7-1970 | मेसर्स रावल इंडस्ट्रीज, 2304/11 महामर रोड, बहादुरगढ़ (हरियाणा) | घूमने वाले शीशु-की तेल सील यूनिट, टाइप सी, मार्का ड्युक | IS: 5129-1969 |

[सं० एम० डी० डी०/55:2358]

ए० पी० बनर्जी, उप महानिदेशक

New Delhi, 29th April, 1974

S. O. 1183.—In pursuance of Sub-regulation (4) of Regulation 14 of the Indian Standards Institution (Certification Marks), Regulation 1955, as amended from time to time, the Indian Standards Institution hereby notifies that the licence, particulars of which are given below, has been cancelled with effect from 16 February 1974 as the name of the licensee has changed:—

| Licence No. & Date | Name and address of the Licensee | Article/process covered by the Licence | Relevant Indian Standard |
|-----------------------|--|--|--------------------------|
| CM/L-2358 1-7-1970 | M/s Rawel Industries, 2304/11, Jhajjar Road, Bahadurgarh (Haryana) | Rotary Shaft oil seal unit, Type C, Trade mark, 'DUKE' | IS-5129-1969 |

[No. MDD/55:2358]

A. P. BANERJI, Dy. Dir. General

स्वास्थ्य और परिवार नियोजन मन्त्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 26 अप्रैल, 1974

कां.प्रा. 1184—यतः भारतीय चिकित्सा परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खण्ड (ग) के अधीन राजस्थान सरकार ने डा० पीताम्बर दयाल, एम०बी०बी०एस०, (लखनऊ), एम०आर०सी०पी० (एडिन), एफ०आर०सी०पी० (यू०के०), सरदार पटेल मार्ग जयपुर-1 को 10 दिसम्बर, 1973 से भारतीय चिकित्सा परिषद् के एक सदस्य के रूप में निर्वाचित किया है।

अतः अब उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबन्धों का अनुसरण करते हुए, केन्द्रीय सरकार भारत सरकार के भूमपूर्व स्वास्थ्य मंत्रालय की दिनांक 9 जनवरी 1960 की अधिसूचना संख्या 5-13/59-एम०-1 में एतद्द्वारा आगे निम्नलिखित संशोधन करती है; नामतः:

उक्त अधिसूचना में "धारा 3 की उपधारा (1) के खण्ड (ग) के अधीन निर्वाचित" शेषक के अन्तर्गत क्रमांक 12 और तत्सम्बन्धी प्रविष्टि के बाद निम्नलिखित क्रमांक और प्रविष्टि को रख लिया जाएगा; नामतः—

"13. डा० पीताम्बर दयाल, एम०बी०बी०एस० (लखनऊ), एम० आर०सी०पी० (एडिन), एफ०आर०सी०पी० (यू०के०), सरदार पटेल मार्ग, जयपुर-1"

[सं० बी० 11013/2/73-एम०पी०टी०]

कुमारी सती बालकृष्णा, प्रवर सचिव

MINISTRY OF HEALTH & FAMILY PLANNING

(Department of Health)

New Delhi, the 26th April, 1974

S.O. 1184.—Whereas Dr. Pitambar Dayal, MBBS (Luck.), MRCP (Edin.), FRCP (UK), Sardar Patel Marg, Jaipur-1, has been elected with effect from the 10th December, 1973, from the State of Rajasthan as a member of the Medical Council of India under clause (c) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956);

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the late Ministry of Health No. 5-13/59-MI, dated the 9th January, 1960, namely:—

In the said notification, under the heading "Elected under clause (c) of sub-section (1) of section 3", after serial No. 12 and the entry relating thereto, the following serial number and entry shall be inserted, namely:—

"13. Dr. Pitambar Dayal, MBBS (Luck.); MRCP (Edin.); FRCP (UK), Sardar Patel Marg, Jaipur-1, R.M.C., Rajasthan".

[No. V. 11013/2/73-MPT]

Km. SATHI BALAKRISHNA, Under Secy.

पर्यटन और नागर विमानन मन्त्रालय

(पर्यटन विभाग)

नई दिल्ली, 24 अप्रैल, 1974

कां.प्रा. 1185—आयात पर्यटन कार (नियंत्रण) आदेश 1961 के अनुपालन में औरसभी पूर्ववर्ती अधिसूचनाओं का अतिरिक्त करने

हुए, केन्द्रीय सरकार, श्री बी० एस० गिडवानी, अतिरिक्त महानिदेशक और पदेन संयुक्त सचिव, भारत सरकार (पर्यटन विभाग) को उक्त आदेश के अधिप्रायक हेतु आयात पर्यटक कारों का नियंत्रण, नियुक्त करती है।

[सं० 4-आई०टी०ए०एल० (58)/65]

अजित मजुमदार,

महानिदेशक और अतिरिक्त सचिव

MINISTRY OF TOURISM & CIVIL AVIATION

(Department of Tourism)

New Delhi, the 24th April, 1974

S.O. 1185.—In pursuance of sub-clause (b) of clause 2 of the Imported Tourist Cars (Control) Order, 1961 and in supersession of all earlier Notifications, the Central Government hereby appoint Shri B. S. Gidwani, Additional Director General & Ex-Officio Joint Secretary to the Government of India, Department of Tourism to be the Controller of Imported Tourist Cars for the purpose of the said order.

[No. 4-TTAL(58)/65]

AJIT MOZOOMDAR,

Director Genl. & Addl. Secy.

नई दिल्ली, 29 अप्रैल, 1974

कां.प्रा. 1186.—वायुयान नियम 1937 के नियम 75 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये भारत सरकार एतद्द्वारा उस समय की अवधि को बढ़ाकर 31 मई 1974 तक करती है जिसके बीच भारत सरकार के पर्यटन और नागर विमानन मंत्रालय द्वारा अपनी अधिसूचना सं० ए० बी० 15014/10/73-ए० दिनांक 24 दिसम्बर, 1973 द्वारा नियुक्त किये गये जोष न्यायालय से प्राप्ता की जाती है कि वह उपर्युक्त अधिसूचना में त्रिनिदिष्ट मामलों पर अपनी जांच का कार्य समाप्त कर लेगा और उसकी रिपोर्ट केन्द्रीय सरकार को दे देगा।

[[कां० सं० ए० बी० 15014/10/73-ए०]

ओम प्रकाश यादव, अवर सचिव

New Delhi, the 29th April, 1974

S.O. 1186.—In exercise of the powers conferred by rule 75 of the Aircraft Rules, 1937, the Central Government hereby further extends upto May 31, 1974, the period of time within which the Court of Inquiry appointed by the Government of India in the Ministry of Tourism and Civil Aviation by notification No. Av. 15014/10/73-A dated December 24, 1973, will be expected to complete its inquiry into the matters specified in the notification mentioned above and report to the Central Government.

[F. No. Av. 15014/10/73-A]

O. P. YADAVA, Under Secy.

नौवहन और परिवहन मन्त्रालय

(परिवहन पक्ष)

नई दिल्ली, 30 अप्रैल, 1974

[बाणिज्य नौवहन]

कां.प्रा. 1187.—केन्द्रीय सरकार, बाणिज्य नौवहन (संशोधन) अधिनियम 1970 (1970 का 25) की धारा (1) की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्द्वारा तारीख 4 मईना जून 1974 को उक्त अधिनियम की धारा 17 प्रवृत्त करने की तारीख के रूप में नियुक्त करती है।

[सं० 41-एमए(5)/70]

वि० वि० सुश्रुतपुष्प, उप-सचिव

MINISTRY OF SHIPPING & TRANSPORT

(Transport Wing)

New Delhi, the 30th April, 1974

MERCHANT SHIPPING

S.O. 1187.—In exercise of the powers conferred by sub-section (2) of section 1 of the Merchant Shipping (Amendment) Act, 1970 (25 of 1970), the Central Government hereby appoints the 4th day of June, 1974, as the date on which section 17 of the said Act shall come into force.

[No. 44-MA(5)/70]

V. V. SUBRAHMANYAM, Deputy Secy.

published in Part II Section 3 Sub-section (ii) of the Gazette of India dated the 15th January, 1972, with the notification of the Government of India in the late Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 316 dated the 6th January, 1972 ;

And whereas in the opinion of the Central Government difficulties have arisen as to the interpretation of the said award in respect of the question specified in the Schedule hereto annexed ;

Now, therefore, in exercise of the powers conferred by section 36A of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby refers the said question for decision to the Central Government Industrial Tribunal (No. 1), Dhanbad, constituted under Section 7A of the said Act.

SCHEDULE

In what manner the directions, concerning the workman Shri V. Upadhyaya, contained in paragraphs 4 and 5 of the Arbitration Award, dated the 31st December, 1971, given by Shri O. Venkatachalam, the then Chief Labour Commissioner (Central), New Delhi, under section 10A of the Industrial Disputes Act, 1947 (14 of 1947), and published in the Gazette of India Part-II, Section 3 Sub-section (ii) under No. S. O 316, dated the 6th January, 1972, should be implemented ?

[No. L-2012/70/71-LRII]

श्रम मंत्रालय

आदेश

नई दिल्ली, 27 अप्रैल, 1974

का० आ० 1188.—यतः इंडियन आयर्न एण्ड स्टील कम्पनी लिमिटेड के प्रबन्धन के सम्बन्ध नियोजकों और उनके कर्मचारों के बीच औद्योगिक विवाद, औद्योगिक विवाद अधिनियम 1947 की धारा 10क के अधीन श्री ओ० वेन्कटाचलम की माध्यस्थता के लिये निर्देशित किया गया था और उसका पंचाट भारत सरकार के भूतपूर्व श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 316 तारीख 6 जनवरी 1972 के साथ भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii) तारीख 15 जनवरी 1972 में प्रकाशित किया गया था;

और यतः केन्द्रीय सरकार की राय में इसमें उपाध्व अनुसूची में विनिर्दिष्ट प्रश्न की बाबत उक्त पंचाट के निर्वाचन के सम्बन्ध में कठिनाईयाँ उत्पन्न हुई हैं,

अतः अब केन्द्रीय सरकार औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 36क द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उक्त प्रश्न को उक्त अधिनियम की धारा 7क के अधीन गठित केन्द्रीय सरकार औद्योगिक अधिकरण (सं० 1) धनवाद को विनिर्णय के लिये निर्देशित करती है।

अनुसूची

श्री ओ० वेन्कटाचलम द्वारा, जो उक्त समय मुख्य श्रम आयुक्त (केन्द्रीय) नई दिल्ली थे, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 10क के अधीन दिया गया माध्यस्थता पंचाट, तारीख 31 दिसम्बर, 1971 के पैरा 4 और 5 में अन्तर्विष्ट कर्मकार श्री ओ० उपाध्याय से सम्बन्धित और सं० का० आ० 316 तारीख 6 जनवरी 1972 के अधीन भारत के राजपत्र, भाग 2, खण्ड 3 उपखण्ड (ii) में प्रकाशित निर्देशों को किम रीति से क्रियान्वित किया जाना चाहिये ?

[सं० एल-2012/70/71-एल० आर० 2]

MINISTRY OF LABOUR

ORDER

New Delhi, the 27th April, 1974

S.O. 1188.—Whereas an industrial dispute between the employers in relation to the management of the Indian Iron and Steel Company Limited and their workmen was referred for arbitration under section 10A of the Industrial Disputes Act, 1947 to Shri O. Venkatachalam, and his award was

नई दिल्ली, 2 मई, 1974

का० आ० 1189.—यतः कलकत्ता डाक कर्मकार (नियोजन का विनियमन) स्कीम 1970 में संशोधन करने के लिये एक प्रारूप स्कीम, डाक कर्मकार (नियोजन का विनियमन) अधिनियम 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा यथा प्रोत्साहित, भारत के राजपत्र, (अनाधारण) भाग 2, खंड 3 उपखंड (ii) तारीख 5 मई, 1972 के पृष्ठ 919-920 पर भारत सरकार के श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 334 (ई०) तारीख 5 मई, 1972 के अधीन प्रकाशित की गई थी जिसमें उन सभी व्यक्तियों से 24 जून, 1972 तक आक्षेप या सुझाव मांगे गये थे जिनका उससे प्रभावित होना संभाव्य था;

और यतः उक्त राजपत्र जनता को 11 अगस्त, 1972 को उपलब्ध करा दिया गया था;

और यतः कलकत्ता डाक कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1972 के प्रारूप पर आक्षेप या सुझाव मांगे जाने के प्रयोजनार्थ विनिर्दिष्ट उक्त अधि, भारत सरकार के श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 29 दिसम्बर, 1972 के पृष्ठ 85 पर का० आ० 39 के रूप में प्रकाशित की गई थी, के प्रकाशन की तारीख से दो मास की अवधि के लिए बढ़ाई गई थी;

और यतः उक्त प्रारूप के बारे में जनता से प्राप्त किये गये आक्षेपों और सुझावों पर केन्द्रीय सरकार द्वारा विचार किया गया है,

अतः, अब, उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते समय, केन्द्रीय सरकार कलकत्ता डाक कर्मकार (नियोजन का विनियमन) स्कीम, 1970 में संशोधन करने के लिये निम्नलिखित स्कीम बनाती है, अर्थात्—

1. संक्षिप्त नाम और प्रारंभ : (1) इस स्कीम का संक्षिप्त नाम कलकत्ता डाक कर्मकार (नियोजन का विनियमन) द्वितीय संशोधन स्कीम, 1974 है।

(2) यह राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगी।

2. कलकत्ता डाक कर्मकार (नियोजन का विनियमन) स्कीम 1970 में:—

(1) खंड 17 में, उपखंड (2) की मद (ख) (i) में, “विभिन्न नियोजकों के अधीन उनका आवंटन” शब्दों से प्रारम्भ होने वाले और “कार्य की मात्रा होगी” शब्दों से समाप्त होने वाले अन्तिम दो वाक्यों के स्थान पर निम्नलिखित पद रखा जायेगा, अर्थात्:—

“विभिन्न नियोजकों के अधीन उनका आवंटन बोर्ड द्वारा किया जायेगा। ऐसे आवंटन का आधार मुख्यतया पिछले तीन वर्षों के दौरान व्यष्टिक नियोजकों द्वारा व्यवस्थित टन भार होगा। रजिस्ट्रीकृत नियोजक अपने मासिक रजिस्ट्रों में ऐसी संख्या में कर्मकार रखेंगे जिनसे पूरी यूनिटें बनती हों जिसमें एक सरदार, एक मेट, चार ज्वेष्ठ मजदूर और 2 कनिष्ठ मजदूर और एक संकेतक होगा। नियोजक के मासिक रजिस्टर में की सभी स्थाई रिक्रिया खंड 22 के उपखंड (2) के अनुसार अविलम्ब भरी जायेगी”;

(2) खंड 22 में, उपखंड (3) में, “प्रशासनिक निकाय के परामर्श से अध्यक्ष और उपाध्यक्ष” शब्दों के स्थान पर “बोर्ड” शब्द रखा जायेगा;

(3) खंड 32 में, उपखंड (2) की मद (घ) के अन्त में निम्नलिखित परन्तुक जोड़ा जायेगा, अर्थात्:—

“परन्तु मद (ख) के अधीन कर्मकारों के लिये ऐसे शिथिलीकरण प्रसामान्यतः तभी करने दिया जायेगा, जब कि मद (ग) के अधीन कर्मकार अपने नियोजन की अधिकतम सप्ताह में 9 पारियां या मास में 33 पारियां भी पूरी कर लेते हैं। किन्तु यदि यह पाया जाता है कि किसी नियोजक के मासिक कर्मकार को लगातार दो मास की किसी अवधि में सप्ताह में छः पारियां या मास में 26 पारियों से अधिक के लिए नियुक्त किया गया है तो बोर्ड खण्ड 22 के उपखंड (2) के अनुसार उसके नियोजक के मासिक रजिस्टर पर आरक्षित पूल से ऐसी संख्या में कर्मकारों को भेजने का विनिश्चय कर सकेगा जो आवश्यक समझे।”

(4) खंड 40 में, उपखंड (4) की मद (घ) में, “अध्यक्ष या उपाध्यक्ष” शब्दों के स्थान पर “बोर्ड” शब्द रखा जायेगा”;

(5) खंड 41 में, उप खंड (9) में,—

(i) “अध्यक्ष या उपाध्यक्ष” शब्दों के स्थान पर “बोर्ड” शब्द रखा जायेगा;

(ii) अन्त में आने वाले “प्रशासनिक निकाय के परामर्श से” शब्दों का खोप कर दिया जायेगा;

(6) खंड 59 में,

(i) “प्रशासनिक निकाय द्वारा प्रवर्तित” शब्दों के स्थान पर “बोर्ड द्वारा प्रचालित” शब्द रखे जायेंगे;

(7) अनुसूची 6 में,—

(i) पैरा 2 में, ‘प्रसंस्करण मजदूरी’ शीर्षक के नीचे स्तम्भ 1 में प्रविष्टि 9 और स्तम्भ 2 में तत्स्थानी प्रविष्टि के

पश्चात् क्रमशः निम्नलिखित प्रविष्टियां स्तम्भ 1 और 2 में अन्तःस्थापित की जायेगी अर्थात्:—

“एक सज्जक 4.81 रु.”;

(i) पैरा 3 में, “कर्म-तालिका” शीर्षक के अधीन, मद (vi) तथा तत्सम्बन्धी टिप्पण के पश्चात् निम्नलिखित मद अन्तःस्थापित की जायेगी। अर्थात्:—

“(vii) प्रसामान्यतः प्रति वोट प्रति पारी 1 टिन्डल + 6 सज्जक

(iii) पैरा 6 में ‘एक से अधिक टुक से सम्बन्ध कर्मकारों की प्रोत्साहन मजदूरी’ शीर्षक के नीचे, मद (iii) और तत्सम्बन्धी टिप्पण के पश्चात् निम्नलिखित मद अन्तःस्थापित की जायेगी अर्थात्:—

“(iv) सज्जको को उस क्रेन या उन क्रेन से कार्य करने वाले यूनिटों का मौसम दिया जायेगा जिसके या जिनके पारी के दौरान प्रचालन के लिये उनसे कहा गया हो।”

टिप्पणी—किसी भी प्रोत्साहन मजदूरी का तब तक संदाय नहीं किया जायेगा तब तक कि नियोजक यह प्रमाणित न कर दे कि सज्जकों ने संतोषप्रद रूप से कार्य किया है।

[सं० 52/16/70-पी० एंड डी०]

New Delhi, the 2nd May, 1974

S.O. 1189.—Whereas certain draft scheme to amend the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970 was published as required by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948) at pages 919-920 of the Gazette of India (Extraordinary) part-II, section 3, sub-section (ii), dated the 5th May, 1972 under the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 334 (E), dated the 5th May, 1972 inviting objections or suggestions from all persons likely to be affected thereby, till the 24th June, 1972.

And whereas the said Gazette was made available to the public on the 11th August, 1972;

And whereas the said period specified for the purpose of inviting objections or suggestions on the draft of the Calcutta Dock Workers (Regulation of Employment) Amendment Scheme, 1972 was extended to a period of two months from the date of publication of the Notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment published in the Gazette of India, Part II, Section 3 sub-section (ii) on page 85 as No. S.O. 39, dated the 29th December, 1972 ;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Central Government hereby makes the following scheme to amend the Calcutta Dock Workers (Regulations of Employment) Scheme, 1970 namely:—

1. **Short title and commencement.**—(1) This Scheme may be called the Calcutta Dock Workers (Regulation of Employment) Second Amendment Scheme, 1974.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Calcutta Dock Workers (Regulation of Employment) Scheme, 1970,—

(1) in clause 17, in item (b) (i) of sub-clause (2) for the last two sentences beginning with the words “Their allocation” and ending with the words

"years", the following expression shall be substituted, namely :—

"Their allocation under different employers shall be done by the Board. The criteria of such allocation shall primarily be the tonnage handled by the individual employers during the previous three years. Registered employers shall maintain workers in their monthly registers in numbers which form complete units comprising of 1 Sardar, 1 mate, 4 senior mazdoors, 2 junior mazdoors and 1 singnaller. All permanent vacancies in the monthly register of employer shall be filled without delay in accordance with sub-clause (2) of clause 22";

(2) in clause 22, in sub-clause (3) for the words, "The Chairman and the Deputy Chairman in consultation with the Administrative Body", the word "The Board" shall be substituted ;

(3) in clause 32, to item (d) of sub-clause (2), the following proviso shall be added at the end namely :—

"Provided that such relaxation for workers under item (b) shall normally be permitted only if the workers under item (c) have also reached the maximum of their employment of 9 shifts in a week or 33 shifts in a month. However if a monthly worker of an employer is found to have been booked beyond 6 shifts in a week or 26 shifts in a month in any period of two successive months, then the Board may in accordance with sub-clause (3) of clause 22 decide to send such number of workers from the reserve pool to the monthly register of his employer as it may deem necessary." ;

(4) in clause 40, in item (d) of sub-clause (4) for the words "the Chairman or the Deputy Chairman" the words "Board" shall be substituted";

(5) in clause 41, in sub-clause (9), —

(i) for the words "the Chairman or the Deputy Chairman" the words "the Board" shall be substituted ;

(ii) the words "in consultation with the Administrative Body" at the end shall be omitted ;

(6) in clause 59,—

(i) for the words "operated by the administrative Body" the words "operated by the Board" shall be substituted ;

(ii) for the words "Administrative Body" occurring at the end, the words "Deputy Chairman" shall be substituted ;

(7) in Schedule VI, —

(i) in paragraph 2, under the heading 'Processing Wage after entry 9 in column 1 and the corresponding entry in column 2, the following entries shall be inserted in column 1 and 2 respectively; namely;

"9A. Riggers Rs. 4.81";

(ii) in paragraph 3 under the heading 'Manning Scale', after item (vi) and the 'Note' relating thereto the following item shall be inserted, namely :—

"(vii) 1 Tindal plus 6 riggers per ship per shift normally";

(iii) in paragraph 6, under the heading 'Incentive Wages of Workers Concerned with More Than One Hook' after item (iii) and the 'Note' relating thereto the following item shall be inserted, namely :—

"(iv) The Riggers shall be paid the average of the units of performance of derrick or derricks that they are called upon to handle during the shift."

Note.—No Incentives shall be payable unless the Employer certifies that the Riggers have worked satisfactorily.

[No. 52/16/70-O P&D (i)]

का० आ० 1190.—यत्. कलकत्ता छीलन और रंगरोगन कर्मकार (नियोजन का विनियमन) स्कीम 1970 में संशोधन करने के लिये एक प्रारूप स्कीम डाक कर्मकार (नियोजन का विनियमन) अधिनियम 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा यथा अपेक्षित भारत के राजपत्र (असाधारण) भाग 2 खंड 3 उपखंड (ii) तारीख 5 मई, 1972 के पृष्ठ 921 पर भारत सरकार के श्रम और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० आ० 335 (ई०) तारीख 5 मई, 1972 के अधीन प्रकाशित की गई थी जिनमें उन सभी व्यक्तियों में 22 जून, 1972 तक आक्षेप या सुझाव मांगे गये थे जिनका उससे प्रभावित होना संभाव्य था;

और यतः उक्त राजपत्र जनता को 11 अगस्त, 1972 का उपबन्ध करा दिया गया था;

और यतः कलकत्ता छीलन और रंगरोगन कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1972 पर आक्षेप या सुझाव मांगे जाने के प्रयोजनार्थ विनिर्दिष्ट उक्त अधि, भारत सरकार के श्रम और पुनर्वासि मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना जो भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 29 दिसम्बर, 1972 के पृष्ठ 86 पर का० आ० 40 के रूप में प्रकाशित की गई थी, के प्रकाशन की तारीख से दो मास की अवधि के लिये बढ़ाई गई थी;

और यतः उक्त प्रारूप के बारे में जनता से प्राप्त किये गये आक्षेपों और सुझावों पर केन्द्रीय सरकार द्वारा विचार किया गया है ।

अतः अब, उक्त अधिनियम की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने लिये, केन्द्रीय सरकार कलकत्ता छीलन और रंगरोगन कर्मकार (नियोजन का विनियमन) स्कीम, 1970 में संशोधन करने के लिये निम्नलिखित नियम बनाती है, अर्थात्—

1. संक्षिप्त नाम और आरम्भ :—(1) इस स्कीम का संक्षिप्त नाम कलकत्ता छीलन और रंगरोगन कर्मकार (नियोजन का विनियमन) संशोधन स्कीम, 1974 है।

(2) यह राजपत्र में प्रकाशन की तारीख को प्रवृत्त होगी।

2 कलकत्ता छीलन और रंगरोगन कर्मकार (नियोजन का विनियमन) स्कीम, 1970 में,—

(1) खंड 21, में उप खंड (3) में, "प्रशासनिक निकाय के परामर्श से अध्यक्ष और उपाध्यक्ष" शब्दों के स्थान पर "बोर्ड" शब्द रखा जायेगा,

(2) खंड 31 में, उपखंड (2) की सब (घ) के अन्त में निम्नलिखित जोड़ा जायेगा, अर्थात्:—

"किन्तु यदि यह पाया जाता कि किसी नियोजक के मासिक कर्मकार को लगातार दो मास की किसी अवधि में मन्नाह में छ. पारियों से या मास में 26 पारियों से अधिक के लिये नियुक्त किया गया है, तो बोर्ड खंड 21 के उपखंड (3) के अनुसार उक्त नियोजक के मासिक रजिस्टर पर आरक्षित पूल से ऐसी संख्या में

कर्मचारियों को भेजने का विनिश्चय कर सकेगा जो वह ठीक समझे;

- (3) खंड 39 में, उपखंड (4) की मद (घ) में, "अध्यक्ष या उपाध्यक्ष" शब्दों के स्थान पर "बोर्ड" शब्द रखा जायेगा,
- (4) खंड 40 में, उपखंड (9) में,
 - (i) "अध्यक्ष या उपाध्यक्ष" शब्दों के स्थान पर "बोर्ड" शब्द रखा जायेगा;
 - (ii) अन्त में आने वाले 'प्रशासनिक निकाय के परामर्श से' शब्दों का लोप कर दिया जायेगा—
- (5) खंड 57 में,
 - (i) "प्रशासनिक निकाय द्वारा प्रचालित" शब्दों के स्थान पर "बोर्ड द्वारा प्रचालित" शब्द रखे जायेंगे;
 - (ii) अन्त में आने वाले "प्रशासनिक निकाय" शब्दों के स्थान पर "उपाध्यक्ष" शब्द रखा जायेगा।

[सं० 52/16/70-सी० एड डी० (2)]

वी० शंकर लिंगम्, अवर सचिव

S.O. 1190.—Whereas certain draft scheme to amend the Calcutta Chipping and Painting Workers (Regulation of Employment) Scheme, 1970 was published as required by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act 1948 (9 of 1948) at page 921 of the Gazette of India, (Extraordinary), Part-II, section 3, sub-section (ii), dated the 5th May, 1972 under the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment), No. S.O. 335(E), dated the 5th May, 1972 inviting objections or suggestions from all persons likely to be affected thereby, till the 22nd June, 1972;

And whereas the said Gazette was made available to the public on the 11th August, 1972;

And whereas the said period specified for the purpose of inviting objections or suggestions on the draft of the Calcutta Chipping and Painting Workers (Regulation of Employment) Amendment Scheme, 1972 was extended to a period of two months from the date of publication of the notification of the Government of India in the Ministry of Labour and Rehabilitation (Department of Labour and Employment) published in the Gazette of India, Part II, Section 3 sub-section (ii) on page 86 as No. S.O. 40 dated the 29th December, 1972;

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the said Act, the Central Government hereby makes the following scheme to amend the Calcutta Chipping and Painting Workers (Regulation of Employment) Scheme, 1970 namely:—

Short title and commencement.—(1) This Scheme may be called the Calcutta Chipping and Painting Workers (Regulation of Employment) Amendment Scheme, 1974.

(2) It shall come into force on the date of its publication in the Official Gazette.

2. In the Calcutta Chipping and Painting Workers (Regulation of Employment) Scheme, 1970,—

- (1) in clause 21, in sub-clause (3) for the words "The Chairman and the Deputy Chairman in consultation with the Administrative Body", the words, "The Board" shall be substituted;
- (2) in clause 31, in item (d) of sub-clause (2) at the end, the following shall be added, namely:—

"However if a monthly worker of an employer is found to have been booked beyond 6 shifts in a week or 26 shifts in a month in any period of two successive months, then the Board may in

accordance with sub-clause (3) of clause 21 decide to send such number of workers from the reserve pool to the monthly register of his employer as it may deem necessary;

- (3) in clause 39, in item (d) of sub-clause (4), for the words "Chairman or the Deputy Chairman", the word "Board" shall be substituted;
- (4) in clause 40, in sub-clause (9),
 - (i) for the words "the Chairman or the Deputy Chairman" the words "the Board" shall be substituted;
 - (ii) the words "in consultation with the Administrative Body" at the end shall be omitted;
- (5) in clause 57,
 - (i) for the words "operated by the Administrative Body" the words "operated by the Board" shall be substituted;
 - (ii) for the words, "Administrative Body" occurring at the end, the words "Deputy Chairman" shall be substituted.

[No. 52/16/70-P&D(ii)]

V. SANKARALINGAM, Under Secy.

नई दिल्ली, 30 अप्रैल, 1974

का० प्रा० 1191.—यतः केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोक हित में ऐसा अपेक्षित था, औद्योगिक विवाद अधिनियम 1947 (1947 की 14) की धारा 2 के खंड (ड) के उपखंड (i) के परन्तुक के उपबन्धों के अनुसरण में एक अधिसूचना भारत सरकार के श्रम मंत्रालय की अधिसूचना सं० का० प्रा० 3220 तारीख 12 नवम्बर, 1973 द्वारा किसी तैम क्षेत्र में सेवा को उक्त अधिनियम के प्रयोजनों के लिये 22 नवम्बर, 1973 से छः मास की कालावधि के लिये लोक उपयोगी सेवा घोषित किया था;

और यतः केन्द्रीय सरकार की राय है कि लोक हित में उक्त कालावधि को छः मास की ओर कालावधि के लिये बढ़ाया जाना अपेक्षित है।

अतः औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 2 के खंड (ड) के उपखंड (i) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार एतद्वारा उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिये 22 मई, 1974 से छः मास की ओर कालावधि के लिये लोक उपयोगी सेवा घोषित करती है।

[फा० सं० एस-11025/18/74-गल० आर० 1]

एस० एस० सहस्रानामन, अवर सचिव

New Delhi, the 30th April, 1974

S.O. 1191.—Whereas the Central Government being satisfied that the public interest so required, had declared by a notification made in pursuance of the provision of the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), being the notification of the Government of India in the Ministry of Labour N. S.O. 3220 dated the 12th November, 1973 service in any oilfield, to be a public utility service for the purposes of the said Act for a period of six months from the 22nd November, 1973 ;

And whereas the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months ;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said service to be a public utility service for the purposes of the said Act for a further period of six months from the 22nd May, 1974.

[F. No. S. 11025/18/74-LR. I]

S. S. SAHASRANAMAN, Under Secy.

नई दिल्ली, 27 अप्रैल, 1974

का० प्रा० 1192.—केन्द्रीय सरकार, कोयला खान भविष्य निधि, कुटुम्ब पेन्शन और बोनस स्कीम अधिनियम, 1948 (1948 का 46) की धारा 7ख की उपधारा (1) के अनुसरण में, श्री एन० के० सुन्दरम को जो कोयला खान भविष्य निधि संगठन के ज्येष्ठ वित्त अधिकारी हैं, उक्त उपधारा के प्रयोजनों के लिये प्राधिकृत करती है।

[सं० ए०-12022(1)/71-पी०एफ० 1 (iii)]

New Delhi, the 27th April, 1974

S.O. 1192.—In pursuance of sub-section (1) of section 7B of the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948 (46 of 1948), the Central Government hereby authorises Shri N. K. Sundaram, Senior Finance Officer, Coal Mines Provident Fund Organisation for the purposes of the said sub-section.

[No. A-12022(1)/71-PF. 1(iii)]

का० प्रा० 1193.—केन्द्रीय सरकार, कोयला खान भविष्य निधि, कुटुम्ब पेन्शन और बोनस स्कीम अधिनियम, 1948 (1948 का 46) की धारा 10ख की उपधारा (1) के अनुसरण में श्री एन० के० सुन्दरम को जो कोयला खान भविष्य निधि संगठन के ज्येष्ठ वित्त अधिकारी हैं उक्त उपधारा के प्रयोजनों के लिये विनिर्दिष्ट करती है।

[सं० ए० 12022/1/71-पी०एफ० 1 (iv)]

S.O. 1193.—In pursuance of sub-section (1) of section 10B of the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act 1948 (46 of 1948), the Central Government hereby specifies Shri N. K. Sundaram, Senior Finance Officer, Coal Mines Provident Fund Organisation for the purposes of the said sub-section.

[No. A-12022/1/71-PF. I(iv)]

का० प्रा० 1194.—कर्मचारी भविष्य निधि और कुटुम्ब पेन्शन निधि अधिनियम, 1952 (1952 का 19) की धारा 5ध की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के भूतपूर्व श्रम और पुनर्वास मन्त्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० प्रा० 1383 तारीख 8 अप्रैल, 1968 को अधिकाृत करते हुए, केन्द्रीय सरकार श्री ए० एस० लक्ष्मणन को केन्द्रीय भविष्य निधि आयुक्त को उसके कर्तव्यों का निर्वहन में सहायता देने के लिये समस्त आन्ध्र प्रदेश राज्य के लिये प्रादेशिक भविष्य निधि आयुक्त नियुक्त करती है।

[सं० 17(81)/65-पी०एफ० 1]

S.O. 1194.—In exercise of the powers conferred by sub-section (2) of section 5D of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the late Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1383, dated the 8th April, 1968, the Central Government hereby appoints Shri A. S. Lakshmanan as Regional Provident Fund Commissioner for the whole of the State of Andhra Pradesh, to assist the Central Provident Fund Commissioner in the discharge of his duties.

[No. 17(81)/65-PF. 1]

का० प्रा० 1195.—कर्मचारी भविष्य निधि और कुटुम्ब पेन्शन निधि अधिनियम 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री शाम राव

खण्डेलकर को उक्त अधिनियम, और स्कीम और उसके अधीन विरचित किसी कुटुम्ब पेन्शन स्कीम के प्रयोजनों के लिये केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के सम्बन्ध में या किसी रेल कम्पनी महापत्तन खान या तेल क्षेत्र या नियंत्रित उद्योग से सम्बन्धित किसी स्थापन के सम्बन्ध में या किसी ऐसे स्थापन के सम्बन्ध में जिसके एक से अधिक राज्य में विभाग या शाखाएं हों, सम्पूर्ण आन्ध्र प्रदेश राज्य के लिये निरीक्षक नियुक्त करती है।

[सं० ए०-12016(2)/72-पी० एफ० 1]

S.O. 1195.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government hereby appoints Shri Sham Rao Khandalkar to be an Inspector for the whole of the State of Andhra Pradesh for the purposes of the said Act, and the Scheme and the family Pension scheme framed thereunder in relation to any establishment belonging to, or under the control of the Central Govt. or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one State.

[No. A. 12016(2)/72-PF. I]

का० प्रा० 1196.—कर्मचारी भविष्य निधि और कुटुम्ब पेन्शन निधि अधिनियम 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री टी० एम० शिवानन्द को उक्त अधिनियम, स्कीम और उसके अधीन विरचित किसी कुटुम्ब पेन्शन स्कीम के प्रयोजनों के लिये केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के सम्बन्ध में या किसी रेल कम्पनी, महापत्तन, खान या तेल क्षेत्र या नियंत्रित उद्योग से सम्बन्धित किसी स्थापन के सम्बन्ध में या किसी ऐसे स्थापन के सम्बन्ध में जिसके एक से अधिक राज्य में विभाग या शाखाएं हों, सम्पूर्ण कर्नाटक राज्य के लिये निरीक्षक नियुक्त करती है।

[सं० ए०-12016(1)/74-पी०एफ०-1]

S.O. 1196.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), the Central Government hereby appoints Shri T.M. Shivananda, to be an Inspector for the whole of the State of Karnataka for the purposes of the said Act, and the Scheme and the family pension Scheme framed thereunder in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one State.

[No. A. 12016(1)/74-PF. I]

का० प्रा० 1197.—केन्द्रीय सरकार कोयला खान भविष्य निधि, कुटुम्ब पेन्शन और बोनस स्कीम अधिनियम, 1948 (1948 का 46) की धारा 10ग की उपधारा (1) के अनुसरण में, श्री एन० के० सुन्दरम को जो कोयला खान भविष्य निधि संगठन के ज्येष्ठ वित्त अधिकारी हैं, उक्त उपधारा के प्रयोजनों के लिए प्राधिकृत करती है और निदेश देती है, कि भारत सरकार के भूतपूर्व श्रम, रोजगार और पुनर्वास मन्त्रालय (श्रम और रोजगार विभाग) की अधिसूचना संख्या का० प्रा० 2977 तारीख पहली अक्टूबर 1966 में निम्नलिखित संशोधन किया जाएगा, अर्थात्:—

उक्त अधिसूचना के प्रारम्भिक पैरा में, "उक्त अधिनियम की धारा 3ग की उपधारा (1) के अधीन नियुक्त कोयला खान भविष्य निधि आयुक्त" पद के स्थान पर "श्री एन० के० सुन्दरम जो कोयला खान भविष्य निधि संगठन के ज्येष्ठ वित्त अधिकारी हैं" पद रखा जाएगा।

[सं० ए०-12022(1)/71-पी०एफ० 1(ii)]

S.O. 1197.—In pursuance of sub-section (1) of section 10C of the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948 (46 of 1948), the Central Government hereby authorises Shri N. K. Sundaram, Senior Finance Officer, Coal Mines Provident Fund Organisation, for the purposes of the said sub-section and directs that the following amendment shall be made in the notification of the Government of India in the late Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 2977, dated the 1st October, 1966, namely:—

In the said notification, in the opening paragraph for the expression "Coal Mines Provident Fund Commissioner appointed under sub-section (1) of section 3C of the said Act", the expression "Shri N. K. Sundaram, Senior Finance Officer, Coal Mines Provident Fund Organisation" shall be substituted.

[No. A. 12022(1)/71-PF. I(ii)]

का० प्रा० 1198.—केन्द्रीय सरकार कोयला खान भविष्य निधि, कुटुम्ब पेन्शन और बोनस स्कीम अधिनियम, 1918 (1948 का 46) की धारा 9 की उपधारा (2) के अनुसरण में भारत सरकार के भूतपूर्व श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० प्रा० 87 तारीख 10 दिसम्बर, 1971 को अधिकांश करने हुए, श्री एन० के० सुन्दरम को जो कोयला खान भविष्य निधि संगठन के ज्येष्ठ वित्त अधिकारी हैं, उक्त उपधारा के प्रयोजनों के लिये प्राधिकारी विनिर्दिष्ट करती है।

[सं० ए०-12022/1/71-पी०एफ० 1(1)]

S.O. 1198.—In pursuance of sub-section (2) of section 9 of the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948 (46 of 1948) and in supersession of the notification of the Government of India in the late Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 87, dated the 10th December, 1971, the Central Government hereby specifies Shri N. K. Sundaram, Senior Finance Officer, Coal Mines Provident Fund Organisation, as the authority for the purposes of the said sub-section.

[No. A-12022/71-PF. I(ii)]

नई दिल्ली, 29 अप्रैल, 1974

का० प्रा० 1199.—कर्मचारी भविष्य निधि और कुटुम्ब पेन्शन निधि अधिनियम 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रवक्त शक्तियों का प्रयोग करते हुए और भारत सरकार के भूतपूर्व श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० प्रा० 2487 तारीख 21 जून, 1972 को अधिकांश करने हुए केन्द्रीय सरकार श्री एम० डी० थापड़ को उक्त अधिनियम और स्कीम और उसके अधीन विरचित किसी कुटुम्ब पेन्शन स्कीम के प्रयोजनों के लिये केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के सम्बन्ध में या किसी रेल कम्पनी, महापत्तन, खान या तेल क्षेत्र या नियंत्रित उद्योग से सम्बन्धित किसी स्थापन के सम्बन्ध में या किसी ऐसे स्थापन के सम्बन्ध में जिसके एक से अधिक राज्य में विभाग या शाखाएँ हों, सम्पूर्ण महाराष्ट्र राज्य के लिये निरीक्षक नियुक्त करती है।

[सं० ए-12016(7)/72-पी०एफ० 1]

New Delhi, the 29th April, 1974

S.O. 1199.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India

in the late Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 2487, dated the 21st June, 1972, the Central Government hereby appoints Shri S. D. Thapad to be an Inspector for the whole of the State of Maharashtra for the purposes of the said Act, and the Scheme and the Family Pension Scheme framed thereunder, in relation to any establishment belonging to, or under the control of, the Central Government, or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one State.

[No. A-12016(7)/72-PF. I]

नई दिल्ली, 2 मई, 1974

का० प्रा० 1200.—कर्मचारी भविष्य निधि और कुटुम्ब पेन्शन निधि अधिनियम 1952 (1952 का 19) की धारा 13 की उपधारा (1) द्वारा प्रवक्त शक्तियों का प्रयोग करते हुए और भारत सरकार के भूतपूर्व श्रम, रोजगार और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० प्रा० 1318, तारीख 2 मई, 1963 को अधिकांश करने वाले केन्द्रीय सरकार श्री के० सी० शर्मा को उक्त अधिनियम, स्कीम और उसके अधीन विरचित किसी कुटुम्ब पेन्शन स्कीम के प्रयोजनों के लिये केन्द्रीय सरकार के या उसके नियंत्रणाधीन किसी स्थापन के संबंध में या किसी रेल कम्पनी, महापत्तन, खान या तेल क्षेत्र या नियंत्रित उद्योग से संबंधित किसी स्थापन के सम्बन्ध में या किसी ऐसे स्थापन के सम्बन्ध में जिसके एक से अधिक राज्य में विभाग या शाखाएँ हों दिल्ली संघ राज्य क्षेत्र के लिये निरीक्षक नियुक्त करती है।

[सं० का० 12016(4)/74-पी० एफ० 1]

New Delhi, the 2nd May, 1974

S.O. 1200.—In exercise of the powers, conferred by sub-section (1) of section 13 of the Employees' Provident Funds and Family Pension Fund Act, 1952 (19 of 1952), and in supersession of the notification of the Government of India in the late Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1318, dated the 2nd May, 1963, the Central Government hereby appoints Shri K. C. Sharma to be an Inspector for the whole of the Union territory of Delhi for the purposes of the said Act, and the Scheme and the family pension Scheme framed thereunder in relation to any establishment belonging to, or under the control of the Central Government or in relation to any establishment connected with a railway company, a major port, a mine or an oilfield or a controlled industry or in relation to an establishment having departments or branches in more than one State.

[No. A. 12016(4)/74-PF. I]

का० प्रा० 1201.—केन्द्रीय सरकार कोयला खान भविष्य निधि स्कीम के पैरा 5 के साथ पठित कोयला खान भविष्य निधि, कुटुम्ब पेन्शन और बोनस स्कीम अधिनियम 1948 (1948 का 46) की धारा 3क की उपधारा (1) के खंड (क) और (च) द्वारा प्रवक्त शक्तियों का प्रयोग करते हुए भारत सरकार के भूतपूर्व श्रम और पुनर्वास मंत्रालय (श्रम और रोजगार विभाग) की अधिसूचना सं० का० प्रा० 4008 तारीख 21 दिसम्बर, 1972 में निम्नलिखित संशोधन करती है, अर्थात्:—

उक्त अधिसूचना में क्रम सं० 14 और 19 के सामने की प्रविष्टियाँ के स्थान पर क्रमशः निम्नलिखित प्रविष्टियाँ रखी जायेंगी, अर्थात्:—

"14. श्री जी० आर० ठुकराल,
लेखा नियंत्रक, भारत कोकिंग कोल लिमिटेड,
बिहार बिल्डिंग, डाक घर इरिया, धनबाद।

19. श्री सिद्धेश्वर प्रसाद सिंह, सचिव,
कोस्तिमरी मजदूर संघ,
राजेंद्र पथ,
धनबाद (बिहार)"

[सं० 1-11013(12)/71-पी० एफ० 1]

नामफक जुयला, अवर सचिव

S.O. 1201.—In exercise of the powers conferred by clauses (e) and (f) of sub-section (1) of Section 3A of the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948 (46 of 1948), read with paragraph 5 of the Coal Mines Provident Fund Scheme, the Central Government hereby makes the following amendments to the notification of the Government of India in the late Ministry of Labour and Rehabilitation (Department of Labour and Employment) No. S.O. 4008 dated the 21st November, 1972, namely:—

In the said notification for the entries against serial numbers 14 and 19, the following entries shall respectively be substituted, namely:—

"14. Shri G. R. Thukral,
Controller of Accounts, Bharat Coking Coal Limited,
Vihar Building, Post Office Jharia, DHANBAD.

19. Shri Siddheshwar Prasad Singh,
Secretary, Colliery Mazdoor Sangh,
Rajendra Path,
DHANBAD (Bihar)".

[No. I-11013(12)/71-PF. 1]
LALFAK ZUALA, Under Secy.

S.O. 1202.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the industrial dispute between the employers in relation to the management of East Bhagatdih Colliery, Post Office Jharia, Dhanbad and their workmen, which was received by the Central Government on the 25th April, 1974.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL (NO. 2) AT DHANBAD.

Reference No. 25 of 1971

In the matter of an industrial dispute under S. 10(1)(d) of the Industrial Disputes Act, 1947.

Parties:

Employers in relation to the management of East Bhagatdih Colliery, Post Office Jharia, Dhanbad.

AND

Their workmen.

Appearances:

On behalf of the employers and Bharat Coking Coal Ltd.—Shri S. S. Mukherjee, Advocate.

15 G of I/74—4

On behalf of the workmen—Shri S. P. Singh, Secretary,
Khan Mazdoor Congress.

State: Bihar.

Industry: Coal.

AWARD

The Government of India, Ministry of Labour, Employment and Rehabilitation in the Department of Labour and Employment being of opinion that an industrial dispute exists between the employers in relation to the management of East Bhagatdih colliery, Post office, Jharia, Dhanbad and their workmen, by their order No. 2/58/70 LRII dated 4-2-1971, referred the said dispute to this Tribunal for adjudication upon the issue as mentioned in the schedule below:

SCHEDULE

"Whether the action of the management of East Bhagatdih colliery, Post office Jharia, Dhanbad, in stopping the following workmen from work with effect from the dates noted against each is justified? If not, to what relief the workmen are entitled?"

| S. No. | Name of the workman | Designation | Date of appointment |
|--------|-------------------------|-----------------|---------------------|
| 1 | Shri Ram Kishor | Fitter helper | 19.11.69 |
| 2 | Shri Ghunai Dhaikar | Tyndal Mazdoor | 19.11.69 |
| 3 | Shri Amrit Lal Jaiswara | Electric Helper | 19.11.69 |
| 4 | Shri Ghunl Lal Jaiswara | Electric Helper | 19.11.69 |
| 5 | Shri Hari Lal Sharma | —do— | 19.11.69 |
| 6 | Shri Lachman Lohar | Blacksmith | 15.12.69 |

The case of the union in their written statement is that the six workmen as named in the order of reference were working in the above colliery on the categories mentioned against their names since long. They were paid very low wages which made them to represent their case before the management time and again and the management in their turn stopped them from their respective jobs which amounts to illegal termination of service. The action of the management is arbitrary and illegal. The workmen represented their case before the Labour Enforcement Officer (C) Jharia which turned unfruitful. Then the workmen raised their dispute before the Assistant Labour Commissioner (C) Dhanbad but the conciliation failed because of the adamant attitude of the management. The workmen therefore pray for their reinstatement with full back wages at the rate prescribed by the Coal Wage Board. The management of East Bhagatdih colliery filed a written statement in which they raised preliminary objection to the effect that the reference is misconceived and bad in law because of the fact that no dispute was raised by the workmen with the management and because of the fact that S.2A of the I.D. Act is ultra vires the scheme of the Industrial Disputes Act. On merit the case of the company is that they were never the workmen in the colliery. At the time of hearing of the reference the learned Advocate representing the company gave up their preliminary objection that S.2A in ultra vires the scheme of the I.D. Act and he pressed their objection that the reference is not maintainable as no industrial dispute in respect of such matter was raised by the workmen with the company. Going through the evidence I do not find that the workmen ever raised any industrial dispute in express term in writing with the management though in the written statement of the workmen it is stated that they had represented to the management jointly against the termination of their services. On behalf of the workmen Shri Hari Lal Sharma was examined as WW.1 and in his evidence he maintains the same thing when he says that they saw both the Agent and the manager of the colliery after their termination and lodged their protest. Further facts have to be pursued to see what reliance can be placed on this part of the submission of the workmen about their having raised an industrial dispute before the management though not in writing. Ext. W. 6 is said to be a copy of representation of the workmen to the Labour Enforcement Officer Government of India. It appears therefrom

that the same was received by one Gulzar Ram in the office of the Labour Enforcement Officer, Jharia. Then it appears from Ext. W.8 that the Assistant Labour Commissioner (C) Dhanbad II sent a letter to the Manager of East Bhagatdih colliery inviting him to attend conciliation proceeding in respect of the dismissal of the services of Hari Lal Sharma. From the copy of the failure report submitted by the Conciliation Officer, (Ext. W. 2) it appears that there was conciliation held for 5 days over the alleged dismissal of the six workmen as named in the order of reference. It further appears therefrom that the management attended the conciliation proceeding as also the union but as the parties fell out far and wide before the Conciliation Officer, the conciliation failed. It is therefore apparent that the dismissed workmen concerned in this reference raised an industrial dispute before the Conciliation officer and prior to that before the Labour Enforcement Officer. The learned representative of the workmen submits that even if it is held that no industrial dispute was raised with the management direct, it is enough when the industrial dispute was raised with the Labour Enforcement Officer (C) and the Assistant Labour Commissioner (C) which amounts to raising industrial dispute with the company through the agency of the Government authorities. It is further submitted that whatever defect might have been there on the part of the workmen in not raising an industrial dispute in writing directly with the company, the participation of the management in the conciliation proceeding cured the defect. A decision appearing in 1970 Lab. I.C. 1119. Patna between the management of Radio Foundation Engineering Ltd. and another v. the State of Bihar and others was referred to. The above decision in one place says that in all cases it is not necessary that the dispute must be proceeded by a demand and a refusal in express terms by the parties concerned with a view that merely because in express term no such dispute was raised before the management there was in fact no dispute and the reference is not competent will not be correct. I am not unmindful of the decision in the Sindu Resettlement Corporation about the imparativeness of raising an industrial dispute before any reference can be made. There are two aspects in this case which appear from the facts and circumstances and evidence on record. The raising of a dispute by a workman before the Labour Enforcement Officer and then before the Assistant Labour Commissioner make me to believe the case of the workmen that prior thereto they had represented their case before the management as stated in their written statement and as stated by WW. 1 before the Tribunal. So in one view the industrial dispute was raised by the workmen with the management though not in writing. But all the same it was raising of a dispute. The second view is that the participation of the management in the conciliation proceeding in respect of the said dispute cures the defect if there be any in not raising the demand before the management in writing. I should therefore think that it cannot be said that the workmen raised no industrial dispute before the management to make their case fall on that ground and accordingly I hold that the petition is maintainable.

Coming to merit it appears that the case of the management is one of complete denial that the six concerned workmen were ever in their employment in East Bhagatdih colliery as opposed to the case of workmen who hold out that they had been working in the colliery in different capacities for years before they were stopped from service. The company in support of their case mainly relies on the certified true copies of the three statutory registers called Form B registers in which the names and other particulars of the persons appointed in the colliery have to be filled in. These registers are marked Exts. M1, M2 and M3. It is submitted from the side of the company that the names of the six concerned workmen are no where there within the four corners of these books and this is a cogent evidence to disprove the claim of the alleged workmen that they have been in the employment of the above colliery for a couple of years before they were chucked out. The learned Advocate further submits that the attendance of the workmen in the colliery has to be recorded in another statutory register which is known as E Form register and the wages paid to the workmen have to be recorded in another statutory register called Form III register. Non-compliance of the above requirement, the learned Advocate of the company goes on to say would entail penalties as laid down in the Mines Act and Rules. From the side of the company the statutory attendance register, statutory wage register have not been filed to show what is what. If the non-appearance of the names of the concerned workmen in Form B registers (Exts. M1, M2 and M3) is the yard stick, I

would say that the six concerned persons were not the workmen of the company at any time. I cannot however solely rely on the lone registers viz. Exts. M1, M2 and M3 to non-suit the workmen. The workmen had or have little to do it the management defaulted in this respect. Other facts and circumstances have to be looked into. I may say in this connection that the learned representative of the workmen submits that MW.1, Bisheshwar Nath who had been a welfare officer in the East Bhagatdih colliery at one time is not a competent witness to prove the B form registers. It appears from the evidence of MW.1 that one Amal Dasgupta and Shri Anil Kumar Mazumdar wrote out the registers. Surely Shri Dasgupta and Shri Mazumdar would have been the competent witnesses in this case to prove the registers. The evidence of MW.1 is that he was giving orders to the attendance clerks and was also supervising their work and so he is supposed to know who had written the registers. In none of the registers is there any mark showing that the work of the attendance clerks was supervised by MW.1. This is one aspect. The workmen on their part have filed 2 sheets which are said to be the attendance register sheets in which the name of the concerned workmen Chunilal, Amritlal, Hari Lal and Kishore appears (Exts. W.4. and W.5). The evidence of WW.1 is that this is the attendance sheet that was maintained for them and the engineer Shri M. M. Prasad used to allot work to them, Shri Reddy and Upadhyaya used to record their attendance. The engineer of the workshop has signed both the attendance sheets at the bottom with dates. He has proved the signature of Shri M. M. Prasad in Exts. W.4 and W.5 and the signatures are marked as W.4/1 and W. 5/1. MW. 1 does not know if Shri Reddy and Shri Upadhyaya were the persons who were marking the attendance of the workers in the workshop. But he admits that Shri Reddy was a clerk under the Engineer. About the attendance sheets, Exts. W.4 and W.5 the evidence of WW.1 is that that these were the attendance sheets which were maintained by the company. The workmen on their part have proved what is called the attendance sheets written by Shri Reddy and Shri Upadhyaya and signed by the engineer Shri M. M. Prasad. The company on their part does not bring in Shri Reddy or Upadhyaya to deny that the attendance sheets were prepared by them and the Engineer to deny it was signed by him. From the attendance sheets as produced by the workmen it appears that they not only worked in the company but sometimes they also did overtime. Ext. W.2 is an outdoor patient ticket issued by the hospital of East Bhagatdih colliery and MW.1 admits that this outdoor ticket was issued by the colliery hospital. The date of the outdoor ticket starts from 8-9-69 and ends with 13-9-69, and the name of the patient is written as Lachman Lohar, who is one of the concerned workmen, and occupation as blacksmith. This is exactly the case of the workmen that Lachman Lohar used to work as blacksmith in East Bhagatdih colliery. So the outdoor ticket reveals that Lachman Lohar was working as blacksmith in the colliery and he had his treatment in the colliery hospital as an outdoor patient. It is in the evidence of MW.1 that even the outsiders used to have their treatment in the hospital of the colliery. That does not matter inasmuch as it is definitely stated in the outdoor patient ticket that Lachman Lohar is a blacksmith in the colliery. I do not see how to get out of this fact or to by-pass it. In spite of his general denial, MW.1 says that when he was working in the colliery Shri Hari Lal Sharma was a workman in the above colliery. So it goes by admission at least in one case that Shri Hira Lal Sharma was a workman in the colliery. As to others, the evidence of MW.1 is that he never saw them to work in the colliery at any time. According to him there were about 1600 workmen in the colliery in 1969-70 and he does not remember the names of all the workmen and he had no direct connection with the actual working of the colliery. It is therefore not unusual if MW.1 has not particularly marked the concerned workman to work in the colliery when the number of the workmen was legion, so to say. Going through the entire evidence on record and other facts and circumstances I am inclined to accept the case of the concerned workmen that they were workers in East Bhagatdih colliery before they were stopped from work. It may be mentioned here that the issue in the schedule as referred to is "Whether the action of the management of East Bhagatdih colliery in stopping the following workmen from work w.e.f. the dates noted against each is justified?". The issue as referred to is not to the effect whether the persons as named therein were the workmen of East Bhagatdih colliery and if so whether their termination was justified? The difference between the wording of the issue as referred to and the wording of the issue which is not referred to as stated by me above is a marked one. So strictly going by the wording of the issue as referred

to the point is in favour of the concerned workmen. In this context I think I would not be confining within the terms of reference if the question if they were workmen or not is adjudicated upon. Secondly I accept the case of the workmen that the persons named in the order of reference were working in the colliery at the relevant time.

With regard to the justification in stopping them from work the company has not come out with any plea to justify their action. The case of the workmen is that they were working for 4/5 years as fitter helper, tindal mazdoor, blacksmith. Ordinarily there is no reason why they should be stopped from work. In the absence of any explanation given by the company I am inclined to hold that the action of the company in stopping the concerned workmen from work is not justified. Then comes the crucial point with regard to the relief which the workmen are entitled on the basis of my finding that their termination of service is not justified. The relief claimed by the workmen is for their reinstatement with full back wages for the idle period at the rate prescribed by the Coal Wage Board. It would have been a smooth sailing if the private sector ownership who had stopped the concerned workmen from work continued as such till now. That is not the case. Old days are gone and new days have ushered in. Private management has yielded place to State management from the date of take over or the appointed day. One line of argument as advanced by the learned Advocate representing the Bharat Coking Coal Ltd. is that the present management is in no way liable or responsible for any act of the past management prior to the date of take over under the Act. It appears that the Reference is dated 4th February, 1971 i.e. before the take over on 17-10-71 and before the appointed day. That is why the old employer was only made a party in the Reference when it was made. Much water has flown down since the making of the Reference but all the same the issue before us has to be adjudicated with reference to the point of time when the reference was made by the appropriate government viz. 4th February, 1971. At the time of the reference the old management was in reins of the company and they stopped the workmen from work. When I say that stopping of work of the six concerned workmen was not justified it means that the stopping of work of the six concerned workmen by the old management is not justified. The question remains whether this gives a warrant to the new management to get away with the plea that they are not liable or responsible for the work of the old management. I do not think so. The point before us comes within the provisions of S.17 of the Coal Mines (Nationalisation) Act, 1972 so far as I can see. I have found the concerned persons as workmen of the old company and for that matter, workmen within the meaning of I.D. Act. More explicitly, industrial dispute was raised and the reference made at the regime of the old management. During the pendency of the reference take over or nationalisation of coal mines came. The interest or benefit of the six concerned workmen arising out of the reference should not be allowed to suffer an eclipse for no fault of theirs. As matters stand, the finding of the Tribunal that stopping of work of the concerned workmen by the old management is unjustified dates back to the time when they were so stopped from work. It therefore comes to this that the management unjustifiably stopped the concerned workmen from work and accordingly these concerned workmen would be deemed to have continued in their job regardless of the incoming of the take over or nationalisation. This means that immediately before the appointed day they were workmen of the old company. In my opinion it would not be fair to say that as factually these persons were not workmen (being stopped from work) immediately before the appointed day, the Government company in which the right, title and interest of the old company vested have no obligation to provide them jobs. The reference was there before the take over or the appointed day and the reference continued to remain there even after the take over or nationalisation. The simple fact emerges that the predecessor-in-interest of the present management unjustifiably stopped the workmen from work and the effect of my finding is that they would be deemed to be continuing in their work even immediately before the appointed day. That being the position, it devolves upon the new management to give employment to the six concerned workmen on the assumption that immediately before the appointed day they were workmen in the old company. The question of giving them back wages for the idle period comes in. The contention coming from the side of the management before me that the new management cannot be blamed for the unjustified work of the old management and penalised to pay the full penalty for the lapses of

the old management is not without substance. Taking all facts into consideration I do not feel inclined to direct the company to pay the six concerned workmen back wages for the idle period.

In the ultimate analysis I find that the action of the management of East Bhagatdih colliery, Post office Jharla, Dhanbad in stopping the six concerned workmen from work with effect from the dates noted against each in the order of reference is not justified. The six concerned workmen are therefore entitled for reinstatement to their jobs. For reasons as stated earlier. I do not, however award full back wages for the idle period.

This is my award.

20th April, 1974.

K. K. SARKAR, Presiding Officer.

[No. 2/58/70-LR II]

New Delhi, the 2nd May, 1974

S.O. 1203.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2) Dhanbad in the industrial dispute between the employers in relation to the management of Golden Sinidih Colliery, Post Office Tundoo, District Dhanbad and their workmen, which was received by the Central Government on the 27th April, 1974.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD

Reference No. 23 of 1973

In the matter of an industrial disputes u/s 10(1)(d) of the Industrial Disputes Act, 1947.

Parties :

Employers in relation to the management of Golden Sinidih Colliery, Post office Tundoo, District Dhanbad.

AND

Their workmen

Appearances :

On behalf of the employers—Shri T. P. Choudhury, Advocate.

On behalf of the workmen—Shri Gopal Chandra Munshi, President, Khan Mazdoor Congress.

State : Bihar.

Industry : Coal.

AWARD

The Government of India, Ministry of Labour and Rehabilitation in the Department of Labour & Employment being of opinion that an industrial dispute exists between the employers in relation to the management of Golden Sinidih Colliery, Post office Tundoo, District Dhanbad and their workmen, by order No. L-2012/163/72-LR. II dated 4th June, 1973 referred the same to this Tribunal under S. 10(1)(d) of the I. D. Act for adjudication upon the issue as mentioned in the schedule below :

SCHEDULE

"Whether the action of the management of Golden Sinidih colliery, Post office, Tundoo, District Dhanbad, in stopping the work of Sri Arjun Thakur, Pump Khalasi with effect from the 26th July, 1972 is justified ? If not, to what relief is the workmen entitled ?"

After service of notice both the parties appeared and the management filed written statement and some documents. On behalf of the workmen no written statement was filed inspite of several chances given to them. The case proceeded along its course and ultimately on 16-3-1974 one Shri Gopal Chandra Munshi, President of Khan Mazdoor Congress representing the workman filed a petition in six copies to the effect that the workman concerned in this case viz. Sri Arjun Thakur has been given employment by the management of the company and as there is no longer any dispute he prayed for a 'No Dispute' award. Shri T. P. Choudhury, Advocate representing the employers who was a present verified the signature of Shri Gopal Chandra Munshi, President of Khan Mazdoor Congress.

In view of the fact that the dispute has been settled out of Court and no industrial dispute exists any more between the parties I pass a "No Dispute" award in this case.
23rd April, 1974

K. K. SARKAR, Presiding Officer

[No. L-2012/163/72-LRII.]

S.O. 1204.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2) Dhanbad, in the industrial dispute between the employers in relation to the management of South Golukdih Colliery now merged with North Tisra Colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad and their workmen, which was received by the Central Government on the 27th April, 1974.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) DHANBAD

Present

Reference No. 1 of 1974

In the matter of an industrial dispute under Section 10 (1)(d) of the Industrial Disputes Act, 1947.

Parties :

Employers in relation to the management of South Golukdih colliery now merged with North Tisra Colliery of Messrs Bharat Coking Coal Limited, Post Office Jharia, District Dhanbad.

AND

Their Workmen

Appearances :

On behalf of the employers—Shri Prasanta Kumar Burman, Legal Assistant.

On behalf of workmen—Shri J. D. Lal, Secretary, Bihar Colliery Kamgar Union.

State : Bihar.

Industry : Coal.

Dhanbad, 24th April, 1974

AWARD

The Government of India, Ministry of Labour, being of opinion that an industrial dispute exists between the employers in relation to the management of South Golukdih

colliery now merged with North Tisra colliery of Messrs Bharat Coking Coal Limited, Post Office, Jharia, District Dhanbad and their workmen, by order No. L-2012/99/73-LRII dated 26th December, 1973 referred the same to this Tribunal under Section 10 (1)(d) of the Industrial Disputes Act, 1947 for adjudication upon the issue as mentioned in the schedule below :

SCHEDULE

"Whether the claim of the Bihar Colliery Kamgar Union, Refugee Market, Temple Road, Dhanbad, that the following Stone Cutters/Overburden Removal workmen were illegally and wrongfully stopped from work with effect from 11th September, 1972, by the management of South Golukdih colliery now merged with North Tisra Colliery of Messrs Bharat Coking Coal Limited, Post Office, Jharia, District Dhanbad, is justified ? If so, to what relief are the workmen entitled ?

1. Shri. Dukhiram Gareria,
2. Pran Chandra Mondal,
3. Dhananjoi Mondal,
4. Arjun Mondal,
5. Netai Modak,
6. Mihir Modak,
7. Gour Modak,
8. Bodi Modak,
9. Judhistir Modak,
10. Khudiram Modak,
11. Sadanand Modak,
12. Kirtan Modak,
13. Ludi Mallick,
14. Ketu Mallick,
15. Indu Bhuia,
16. Sakhiya Rewani,
17. Reshni Rewani,
18. Kurela Rewani,
19. Malti Mejhain,
20. Prathamji Mejhain,
21. Ghurki Mejhain,
22. Reshni Mejhain,
23. Mangali Mallick,
24. Laksman Gope,
25. Tarapada Goswami,
26. Umesh Modak,
27. Gurupada Modak,
28. Basni Merin Modak, and
29. Kalyani Modak.

Upon notices served on both sides they appeared and prayed for time for filing written statement. The reference proceeded along its course and on 29-3-74 when the reference was fixed the employers represented by Shri P. K. Burman, Legal Assistant and workmen represented by Shri J. D. Lal, Secretary, Bihar Colliery Kamgar Union appeared and filed a memorandum of settlement together with a petition signed by Shri B. P. Mukherjee, Manager, North Tisra Colliery for the employers and Shri J. D. Lal for the workmen. The contents of the memorandum of settlement were verified as correct by Shri B. P. Mukherjee, Manager and Shri J. D. Lal, Secretary of Bihar Colliery Kamgar Union representing the workmen before me. The memorandum of settlement has been signed by the representatives of the management viz. Shri S. K. Choudhury, Agent Shri T. F. A. Khan, Manager North Tisra Colliery and others for the management and by Shri Jamuna Sahai, Member of the Central Executive Committee, Bihar Colliery Kamgar Union and another duly witnessed. I heard the parties on their petition and both of them pray for an award being passed in terms of the memorandum of settlement. I have gone through the contents of the memorandum of settlement and the terms thereof appear to be beneficial to the parties. That being so, I accept the memorandum of settlement.

In the result, I pass an award in this reference in terms of the memorandum of settlement which do form part of the award as Annexure A.

K. K. SARKAR, Presiding Officer

[No. L-2012/99/73-LRIL]

ANNEXURE 'A'

BEFORE THE HON'BLE PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
(NO. 2) AT DHANBAD

In the matter of :

Reference No. 1 of 1974

Parties :

Employers in relation to the Management of South Golukdih Colliery now merged with North Tisra Colliery of M/s. Bharat Coking Coal Ltd., P. O. Jharia, Distt. Dhanbad.

AND

Their Workmen.

MEMORANDUM OF SETTLEMENT

Both the parties in the present proceedings have amicably settled the matter in dispute as per terms hereinafter enclosed.

That the above terms finally resolve the dispute between the Parties and therefore, there is no subsisting dispute for adjudication in the present reference.

That the employer will pay Rs. 100/- (Rupees one hundred) only as cost to Shri J. D. Lal, representative of the workmen.

It is, therefore, prayed that the Hon'ble Tribunal may be pleased to accept this enclosed terms of Settlement and to give its Award in terms thereof.

For the Employer—B. P. Mukherji, Manager.
For the Workmen—J. D. Lal.

North Tisra Colliery.

Memorandum of settlement arrived at on 19th October, 1973 between the Management of North Tisra Colliery under Tisra Joyrampur Sub-Area No. XIV. M/s. Bharat Coking Coal Ltd., P.O. Khas Jeenagora Distt. Dhanbad and workmen represented by Bihar Colliery Kamgar Union, Temple Road, Refugee Market, Dhanbad.

PARTIES PRESENT

Representing the Workmen

(1) Shri Jamuna Sahai,
Member of Central
Executive Committee,
Bihar Colliery Kamgar
Union, Dhanbad.

(2) Shri Tusbar Kanti Ghosh
Secretary,
Tisra Joyrampur Sub-
Area, Bihar Colliery
Kamgar Union.

Representing the Management

(1) Shri V.G. Rawal, Sub-Area
Manager,
Tisra Joyrampur Sub-Area
No. 14.
M/s. Bharat Coking Coal Ltd.
P.O. Khas Jeenagora (Dhan-
bad).

(2) Shri S.K. Choudhury, Agent,
Tisra Joyrampur Sub-Area
No. 14.
M/s. Bharat Coking Coal
Ltd. P.O. Khas Jeenagora
(Dhanbad).

(3) Shri G.V. Dhurde, Manager
Joyrampur Colliery.

M/s. Bharat Coking Coal
Ltd.,

P.O. Khas Jeenagora (Dhan-
bad).

(4) Shri T.F.A. Khan, Manager
North Tisra Colliery,

M/s. Bharat Coking Coal
Ltd.,

P.O. Khas Jeenagora (Dhan-
bad).

(5) Sri K. Kumar
Personnel Officer-I,
Tisra-Joyrampur Sub-Area
No. 14.

M/s. Bharat Coking Coal
Ltd.,

P.O. Khas Jeenagora (Dhan-
bad).

SHORT RECITAL OF THE CASE

The President, Bihar Colliery Kamgar Union raised an Industrial Dispute before the Asstt. Labour Commissioner (C), Dhanbad-II, Dhanbad vide his letter No. nil, dated the 10th April, 1973 over alleged illegal and arbitrary stoppage of work of 30 stone cutters of South Golukdih section of North Tisra Colliery. He demanded reinstatement of thirty workmen with full back wages. The File was numbered as D-3/149/1(85)/73 dated the 19th April, 73 at the Office of the Asstt. Labour Commissioner (Central), Dhanbad-II, Dhanbad.

The management emphatically denied the contention of the Union representatives. The management stated that it is not a fact that they are old workers because they have not qualified for membership of P. F. even. That the workmen concerned were not victimised as the quarry was stopped on purely technical grounds etc. etc.

The conciliation failed and a report thereof had been sent to the concerned authorities by the Asstt. Labour Commissioner (Central), Dhanbad. The case is lying for examination in the Ministry of Labour & Employment, Government of India, New Delhi as to whether the dispute is fit to be referred to Tribunal for adjudication or not ?

That the representatives of the workmen continued to approach the management at different level and requested to allow the workmen in view of bringing better Industrial Relations and to avoid the disputed workmen from any further hardship.

That the case was discussed in length on several dates and the case was as settled on the grounds mentioned below :—

Terms of Settlement

(1) It has been agreed that all the twenty-nine stone cutters (whose names are put in Annexure 'A' enclosed herewith) shall be taken to work on permanent basis at Beehive Coke Ovens at Joyrampur Colliery with effect from Monday the 26th November, 1973.

(2) That the intervening period from the dates of alleged stoppage of work (which gave rise to the present dispute) till the date of resumption of duty shall, for the purpose of continuity of services, be treated as leave without pay, but the workmen concerned will be eligible to proportionate leave provided they put in proportionate qualifying attendances during the remaining period of current year.

(3) That they will be employed in different categories at the Beehive Coke Ovens at Joyrampur Colliery and shall be paid the starting basic rate of pay as per recommendations of the Wage Board for the Coal Mining Industry.

- (4) In the event of the failure of the concerned workmen to report for work within a fortnight from Monday the 26th November, 1973 the workmen concerned shall have no right for re-employment etc. under this agreement.
- (5) The above terms finally resolve the dispute between the parties and, therefore, there is no subsisting dispute for any reference for adjudication to any tribunal.
- (6) It has been agreed that a copy of the agreement shall be sent to the concerned authorities for registration and information etc. that the dispute is finally settled.

Representing workmen Representing Management

- | | |
|---|--|
| (1) Sd/- (Jamuna Sahai) 19-10-73 Member of Central Executive Committee, Bihar Colliery Kamgar Union, Dhanbad. | (1) Sd/- (V.G.Rawal) 19-10-73 Sub-Area Manager (S.K.Choudhury 19-10-73 Agent |
| (2) Sd/- (Tushar Kanti, Ghosh) 19-10-73 Secretary Tisra Joyrampur Sub area Bihar Colliery Kamgar Union. | (3) Sd/- (G. V. Dhurde) 19-10-73 Manager Joyrampur Colliery. |
| | (4) Sd/ (T.F.A.Khan) 19-10-73 Manager North Tisra Colliery. |
| | (5) Sd/- (K. Kumar) 19-10-73 Personnel Officer-I Tisra Joyrampur Sub-Area No. 14. |

Witnesses :—

1. Sd/- Ramudar Pandey
19-10-73
2. Sd/- Sadanand Modak
19-10-73
3. Sd/- P. N. Ram.
4. Sd/- D. Ojha,
19-10-73.

ANNEXURE 'A'

Enclosure to the memorandum of agreement date the 19th October, 1973 regarding the 29 stone cutters of South Golukdih section of North Tisra Colliery.

| S. No. | Name |
|--------|---------------------|
| 1. | Dukhiram Garala |
| 2. | Pran Chandra Mondal |
| 3. | Dhananjoi Mondal |
| 4. | Arjun Mondal |
| 5. | Netai Modak |
| 6. | Mihir Modak |
| 7. | Gour Modak |
| 8. | Bodi Modak |
| 9. | Judhstir Modak |
| 10. | Khudiram Modak |
| 11. | Sadanand Modak |
| 12. | Kirtan Modak |
| 13. | Ludhi Mallick |

- | | |
|-----|-------------------|
| 14. | Keti Mallick |
| 15. | Indu Bhula |
| 16. | Sukhiya Rewant |
| 17. | Roshani Rewant |
| 18. | Kurela Rewani |
| 19. | Malti Majhain |
| 20. | Prethami Majhain |
| 21. | Churki Majhain |
| 22. | Roshni Majhain |
| 23. | Mongali Mallick |
| 24. | Laksman Gope |
| 25. | Tarapado Goswami |
| 26. | Umesh Modak |
| 27. | Gurupada Modak |
| 28. | Basni Merin Modak |
| 29. | Kalyani Modak. |
-
- | | |
|--|--|
| Sd/- (Jamuna Sahai) 19-10-1973 Member of Central Executive Committee, Bihar Colliery, Kamgar Union, Dhanbad. | Sd/- (V. G. Rawal) 19-10-1973 Sub-Area Manager, Tisra Joyrampur Sub-Area. M/s. Bharat Coking Coal Ltd., P. O. Khas Jeensgora, Dhanbad. |
|--|--|

New Delhi, the 4th May, 1974

S.O. 1205.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal No. 2, Dhanbad, in the matter of an application under section 33A of the said Act from Shri Soti Chouhan, Gate Mazdoor, Digwadih Colliery, Jamaodoba, District Dhanbad, which was received by the Central Government on the 24th April, 1974.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

Complaint No. 12 of 1972

In the matter of a Complaint under S. 33A of the Industrial Disputes Act, 1947

Parties :

Shri Soti Chouhan, Gate Mazdoor, Digwadih Colliery, Jamaodoba, 5 No. Pahari Dowrah, P.O. Jamaodoba, District Dhanbad Complainant.

Vs.

Tata Iron & Steel Co. Ltd., P.O. Jamaodoba District Dhanbad. Opposite Party.

Appearances :

On behalf of the complainant—None.

On behalf of the Opposite Party—Shri S. S. Mukherjee, Advocate.

State : Bihar.

Industry : Coal.

AWARD

This is an application u/s 33A of the I. D. Act, 1947 filed by Shri Soti Chouhan, Gate Mazdoor, Digwadih colliery, Jamaodoba, District Dhanbad.

The case of the applicant is that he is a workman of the above colliery and he was discharged by the management w.e.f. 16-10-71 when an adjudication proceeding arising out of Reference No. 14 of 1970 in which the workman and the management are parties was pending before this Tribunal. The action of the opposite party is alleged to be illegal being in contravention of S. 33 of the I. D. Act. The complainant therefore prays for setting aside the order of dismissal and reinstatement with full back wages. The opposite party colliery contests the above case in their written statement filed before this Tribunal. The company raises a preliminary objection that the application is not maintainable. The case was fixed for hearing on the preliminary objection as raised by the opposite party and the complainant remained absent and took no steps almost on all the days when the case was fixed from 9-5-1973 till 18-3-1974. Enough chance was given to the complainant to represent his case before this Tribunal but he did not avail of the same and accordingly the case was taken up for *ex parte* hearing on 18-3-74.

According to the complainant he was discharged by the opposite party w.e.f. 16-10-71 during the pendency of an adjudication proceeding before this Tribunal being Reference No. 14 of 70 arising out of a reference made by the Government to this Tribunal. This is alleged to be in contravention of S. 33 of the I. D. Act. Now, the position of law is that the provisions of S. 33 are intended to be applied during the pendency of an adjudication proceeding by way of a reference u/s. 10 of the I.D. Act. The pendency of the adjudication proceeding is thus one of the conditions precedent for the application of S. 33 of the Act. It now remains to be seen if an adjudication proceeding arising out of S. 10 of the I. D. Act was pending when the complainant was discharged or dismissed from service. The learned Advocate representing the company refers me to the relevant date from the Gazette of India Part II S. 3(ii) dated August 28, 1971, P 4477. It appears from the published award in Reference No. 14 of 70 between the employers in relation to the management of Digwadih colliery and their workmen that the date of the above reference is 16th October, 1970. It also appears that the date of the award is 9th August, 1971. According to S. 17 of the I. D. Act the award of an industrial tribunal shall within a period of 30 days from the date of its receipt by the appropriate Government be published and an award so published becomes final. The period between the commencement and the conclusion of adjudication is the period of pendency of such proceeding. In other words, the period between the date of the order of Reference and the date of the conclusion of the adjudication proceeding on the dispute would be the period of pendency. A reference to the Gazette of India reveals that the Award in Reference No. 14 of 70 was published on 18th August, 1971. Accordingly the period between 16th of October, 1970 when the reference was made by the Central Government and 18th of August, 1971 when the award in the above reference was published in the official Gazette should be the period of pendency of Reference No. 14 of 70. It is in the very complaint of the applicant that he was discharged by the company w.e.f. 16-10-71. This date of discharge i.e. 16-10-71 clearly falls outside the period starting from the date of reference i.e. 16th October, 1970 and the date of publication which is dated 18th August, 1971. There cannot therefore be any doubt about it that the complainant was not discharged during the pendency of the adjudication proceeding before this Tribunal arising out of Reference No. 14 of 70. As I have already stated the pendency of the adjudication proceeding is a condition pre-

cedent for the application under S. 33 of the Act and that condition precedent is not fulfilled in this case. The complainant was discharged after the pendency of the proceeding was over and with the final determination of the pending dispute between the parties the employers right to terminate the services of a workman or otherwise to punish him according to contract of service revives and the ban imposed on the said right of the employer is lifted. That being so, the application under S. 33A of the I. D. Act as filed by the complainant does not lie and the application is thus not maintainable.

As the application fails on the preliminary point it does not require me to go further into the merits of the application as such.

This is my award.

21st March, 1974

K. K. SARKAR, Presiding Officer.

[No. L-2025/2/74-LRII.]

New Delhi, the 7th May, 1974

S.O. 1206.—In pursuance of section 7 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal (No. 2) Dhanbad, in the industrial dispute between the employers in relation to the management of Amlabad Colliery of Messrs Bharat Coking Coal Limited, Post Office Bhowra, District Dhanbad and their workmen, which was received by the Central Government on the 29th April, 1974.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2), DHANBAD

Reference No. 13 of 1973

In the matter of an industrial dispute under Section 10(1)(d) of the Industrial Disputes Act, 1947.

Parties:

Employers in relation to the management of Amlabad Colliery of Messrs Bharat Coking Coal Limited, Post office Bhowra, District Dhanbad.

AND

Their workmen.

Appearances:

On behalf of the employers—Shri T. P. Choudhury, Advocate.

On behalf of the workmen—Shri I. D. Lal, Secretary, Bihar Colliery, Kamgarh Union, Dhanbad.

State: Bihar.

Industry: Coal.

AWARD

The Government of India, Ministry of Labour & Rehabilitation, in the Department of Labour and Employment, being of opinion that an industrial dispute exists between the employers in relation to the management of Amlabad colliery of Messrs Bharat Coking Coal Limited, Post office, Bhowra, District, Dhanbad and their workmen, by order No. L-2012/155/72-LRII dated 24-3-1973, referred the same to this Tribunal under S. 10(1)(d) of the Industrial Disputes Act for adjudication upon the issue as in the schedule below:

SCHEDULE

"Whether the action of the management of Amlabad colliery of Messrs Bharat Coking Coal Limited, Post office Bhowra, District Dhanbad in not providing full six days work in a week to the workmen mentioned below after the take over of the colliery by the Bharat Coking Coal Limited with effect from 17th October, 1971, and ultimately stopping them from work with effect from the 1st September, 1972, is justified and legal? If not, to what relief the concerned workmen are entitled and from what date?

| S. No. | Name of the workman | Designation |
|--------|----------------------------|-------------------|
| 1. | Shri Asraf Ali Ansari | Electric Helper |
| 2. | Shri Salauddin | —do— |
| 3. | Shri Murti Karimkar | Mechanical Helper |
| 4. | Shri Isalal | —do— |
| 5. | Shri Satish Singh | —do— |
| 6. | Shri Moti Rai | —do— |
| 7. | Shri Santosh Kumar Dutta | Electric Helper |
| 8. | Shri Raghunandan Bishkarma | Mechanical Helper |

The case of the workmen is that the 8 concerned workmen had been working in the capacities shown against the name of each of them in the schedule to the order of reference for a period ranging from 4 to 5 years. Before the take over of the colliery by Bharat Coking Coal Limited from 17-10-1971 they were provided work for full six days in a week since they started working in the colliery but after the take over these men were provided with work for only 2 to 3 days in a week. After the take over from 17-10-1971 the present management inducted quite a number of new hands in an improper way for the posts in which the concerned workmen were already working as a result of which they could not be provided with work for full six days in a week. The concerned workmen through their union ventilated their grievance to the management but to no effect. The workmen therefore raised an industrial dispute through their union before the Assistant Labour Commissioner (C) Dhanbad against their non-employment for full six days in a week. While the said dispute pending before the Assistant Labour Commissioner (C) Dhanbad, the management in retaliation stopped them from work altogether from 1-9-1972 since when they are sitting idle. The above action of the management is alleged to be illegal, arbitrary and unjustified and the workmen claim certain reliefs flowing from their above dispute. The management in their written statement disputes the designations of the concerned workmen as shown in the order of reference. According to them workmen Nos. 1 to 7 were designated as engineering mazdoor on badli/casual list which was prepared by the Custodian at the time of take over and designation of workman No. 8 was that of a tindal. According to the management the date of appointment of the above 8 workmen as 17-10-1971. The management gives some figures as the total attendance of the 8 workmen since the take over till their stoppage of work. It is further the case of the management that since 1st September 1972, the 8 concerned workmen along with other casual workers were stopped from work by the local management. Shri Santosh Kumar Dutta, sl. no. 7 having completed 215 days and having been taken as a member of the Coal Mines Provident Fund continued to work and he is still continuing. The management deny that the 8 concerned workmen were getting full days work in a week for the last 4½ years before the takeover. It is also their case that workmen No. 7 and 8 were employed by one Shri Pal Singh, a stone cutting contractor of the company. Workmen sl. no. 1 to 6 used to be employed by the outgoing management on badli/casual vacancies since August, 1971. The management submits that all the 15 persons as mentioned by the workmen in their written statement were on the casual list of employment of the colliery from 6-11-1971 and out of them some were subsequently selected and taken as apprentices with retrospective effect.

It is worthwhile mentioning at the start that the order of reference in question has fixed certain points and they are:

- (1) The 8 concerned persons were workmen.
- (2) They were designated as electric helpers and/or mechanical helpers.
- (3) The management did not provide them with work for full six days in a week after the take over; and
- (4) The management stopped them from work with effect from 1st September, 1972.

That being so, the above points cannot be matters of adjudication again in this Tribunal. The following disputes therefore arise from the cases of the parties.

- (i) If the 8 concerned workmen were badli or casual workers or otherwise;
- (ii) Date of their appointment;
- (iii) Justifiability or otherwise of the action of the management in not providing them work for full six days in a week; and
- (iv) Stopping them from work with effect from 1st September, 1972.

The relief to be granted or not turns upon the decision of the above points.

We now take up the point whether the 8 concerned persons were badli workmen or otherwise. It will appear that in the order of reference it is nowhere mentioned that the concerned workmen were badli workmen but they have been simply described as workmen. Still then we go into the question. The management examined one Shri K. N. Jha as MW. 1. He is a clerk in the Personnel Section of Amlabad colliery where he has been working since 1965. According to him casual and badli workmen used to be taken before the take over of the colliery and he knows that the 6 workmen concerned were casual or badli workmen. It appears that this witness has been working in the Personnel Section from 1-1-1972 i.e. he is in the Personnel department from after the take over. He is not therefore expected to have personal knowledge as to the status of the 8 concerned workmen before the take over. Be that as it may, in cross-examination it is his statement that prior to the take over the names of the casual and badli workers were brought in the list (B form) and in such list name, date of appointment and other particulars were incorporated. He further says that after the take over the old B form registers were continued in some cases. So it appears that the new management is equipped with a list of badli and casual workers as they were before the take over with other particulars of such badli workmen. In paragraph 2 of their written statement it is also stated that a list of badli workmen were prepared by the custodian at the time of the take over of this mine on 17-10-71 and that list gives their designations and other particulars. So the take over list is perhaps an important document for the purpose of showing from the side of the management that the 8 concerned workmen were all on the badli list before the take over. The oral evidence of MW. 1 about these workmen being badli workers before take over is of little value when according to the management they are equipped with a badli list at the time of take over. When the management has not produced the badli list before this Tribunal and when no explanation has been given for the non-production, an adverse presumption arises in respect of the contention of the management. The other materials which the management relies upon are what is described as attendance register for casual and badli workers, Exts. M1 and M2. Ext. M1 is for the period from October, 1971 to April, 1972 and Ext. M2 from August, 1971 to February, 1972. It will therefore appear that from October 1971 onwards two attendance registers have been kept for the same period and naturally therefore attendance of the same persons have been marked in both the registers for the same period. There is no explanation for this anomaly. The submission by the learned Advocate for the workmen that these registers have not been maintained according to the statute i.e. Mines Act and therefore no presumption can arise which otherwise arises from statutory registers has some force. Now the new management may designate the workmen in any way they like after the take over. That is not the point before us. We are concerned with what was the position of these workmen before the take over. The management has not produced satisfactory papers maintained before the take over to show that the concerned workmen were on the badli or on the casual list. Even if we attach some value to Exts. M1 and M2 they do not answer the point if the 8 concerned workmen were on the badli list before the take over. Now who is a badli worker? A badli workman, in common parlance, is a workman who is employed in an industrial establishment in place of a permanent or a regular workman when the latter is otherwise absent from his post. The question would therefore arise who were the regular workmen in whose places the 8 concerned workmen were employed by the management from time to time. The management on their part has not placed any such material before this tri-

bunal and accordingly in this test also the case of management that they were badli workmen is rather weak. It was more on the part of the management to establish that the concerned workmen were badli workmen when they have alleged so. Going over to the other side we get the evidence of two old workmen of the colliery. One of them is WW1, Amzad Ali Ansari who has been working in the Amlabad colliery for the last 30 years or so, and the other is WW. 2, Dasu Mahato who has been working in the Amlabad colliery for the last 30 years or so, and the other or so. Both of them say that they know the 8 workmen concerned and they had been working in the said colliery as electrical and mechanical helpers for the last 4 or 5 years. They happened to know them as the 8 concerned workmen were connected with the electrical and mechanical works in which WW. 1 and WW. 2 were engaged. According to them these 8 workmen were not only doing continuous work but sometimes they were doing other time also. They deny that the 8 concerned workmen were badli or casual workers. As a matter of fact it is in their evidence that there was no casual or badli worker in Amlabad colliery at any time and it is only after the take over that there is some recourse to badli system. WW. 1 and WW. 2 can surely be said to be competent witnesses for the present purpose, associated as they were in the Amlabad colliery with the 8 concerned workmen. Nothing has been suggested against them that they are interested witnesses. There is nothing on record either from which I can find any thread of interestedness of these two witnesses in the 8 concerned workmen. In the absence of evidence to the contrary I can only consider the mas dis-interested witnesses and a dis-interested witness has ordinarily no reasons to speak falsehood. The case of the workmen is that one Shri B. K. Kora and Shri S. K. Verma were engineers of Amlabad colliery and this is not denied, and while leaving their jobs of the above colliery they issued certain certificates to some of these 8 concerned workmen. Ext. W. 1 is a certificate appears to have been issued by one Shri B. K. Kora, engineer on 24-12-71 in which he certifies that Shri Salauddine worked in the colliery as electrical mazdoor under his charge since November, 1968. Ext. W. 2 is a certificate dated 12-12-68 appears to have been issued by Shri S. K. Verma, engineer of the said colliery certifying that Shri Motilal Roy was working as blacksmith under him for 3-1/2 years. Ext. W. 3 appears to be a certificate granted by Shri B. K. Kora dated 18-12-1971 certifying that Shri Moti Lal Roy had worked in the colliery as a mechanical helper for the last 5 years under his control. Ext. W. 4 appears to be a certificate granted by Shri S. K. Verma, engineer of the said colliery dated 12-12-1968 certifying that Md. Asraf Ansari had been working under him as a mechanical fitter. Ext. W. 5 appears to be a certificate granted by Shri B. K. Kora, engineer dated 24-12-71 certifying that Shri Asraf Ali worked in the colliery as an electric helper under his charge since November, 1968. The above 3 persons in whose names certificates have been issued are within the 8 concerned workmen. These certificates would show that atleast 3 of the workmen as mentioned above were workmen in Amlabad colliery in 1968. The case of the workmen that they were working in Amlabad colliery for the last 4 or 5 years is therefore in line with the statement made by the engineers in the certificates granted by them. Ext. W. 12 shows that Shri Murli Karmakar was a mechanical helper in Amlabad colliery at least on 1-10-70. Ext. W. 13 which is a certificate issued by the manager of Amlabad colliery shows that Shri Murli Karmakar was mechanical helper on 26-6-1972. Ext. W. 14 issued by the manager of Amlabad colliery describes Islam as a driller atleast on 30-7-1971. It will therefore appear that the management themselves have described Murli Karmakar and Islam as mechanical helper and driller. The case of the management is that Sl. Nos. 7 and 8 were labourers of stone cutting contractor, Pal Singh and not workmen of the management. If that be so, how Santosh Kumar Dutta, Sl. No. 7 could be provided job by the management as has been done. From a perusal of all these papers one thing that emerges clearly is that atleast some of the workmen were not badli workmen. The positive evidence of WW. 1 and WW. 2 remain about all the 8 concerned workmen. Materials are therefore lacking for the purpose of accepting the management's contention that the concerned workmen were badli or casual workers in the colliery before the take over. In consideration of the entire facts and circumstances and evidence on record I cannot find the concerned workmen as badli workmen.

The next disputed point is with regard to the dates of appointment of the 8 concerned workmen. The management in para 2 of their written statement gives the date of appointment of the workmen at Sl. Nos. 1 to 6 as 17-10-71 and Sl. Nos. 7 and 8 as 6-11-1971. In para 5 of their written statement the management however gives the date of appointment of the workmen at Sl. Nos. 1 to 6 as August, 1971. The take over of the collieries by the government took place on 17-10-1971 and it is not understandable how just on the date of take over these concerned workmen could be appointed as the management could have no authority to appoint new hands on the eve of the take over or just thereafter. The different stand taken by the management in the written statement about the dates of appointment of the concerned workmen goes to show that this was so probably because the new management had no idea about the exact date of appointment of the concerned workmen. MW. 1 in his cross-examination however says that the 8 persons named in the order of reference were appointed from August, 1971. This witness had no materials before him from which he could say in his evidence that the date of the appointment of the concerned workmen were August, 1971 and in the absence or such materials I cannot possibly rely upon his memory. The management has no doubt filed attendance register (Ext. M2) which starts from 8-8-1971. This register could atleast show that the concerned workmen were working on 8-8-1971 and thereafter but it cannot show that the concerned workmen were not in the employment before 8-8-1971. I could have understood if any register prior to August 1971 maintained by the company was filed to show that the names of the concerned workmen were nowhere there in that register. The documentary evidence viz. Ext. M2 is therefore not helpful in support of the management's contention about the date of appointment of the concerned workmen. The evidence of WW. 1 and WW. 2 who are old employees of the colliery is that the concerned workmen were working in the colliery for about 4 to 5 years from before the take over. Competent and disinterested witnesses as they are this deserves full consideration. The evidence of WW. 1 and WW. 2 is again corroborated by the certificates issued in favour of some of the workmen by the 2 outgoing engineers of the colliery viz. Shri B. K. Kora and Shri S. K. Verma. There also remains the evidence of one of the concerned workman Shri Satish Chandra Singh, WW. 3 to the effect that all the concerned workmen were working in the colliery from 3 to 4 years from before the take over. From a consideration of the materials as discussed above I cannot accept the management's contention that the six concerned workmen were appointed on 17-10-1971 i.e. the date of the take over or August, 1971. On the other hand, on all showing it is apparent that the concerned workmen were in employment of the colliery from very much before the date of the take over.

The workmen continued in service upto 31st August, 1972 when they were stopped from work. The case of the workmen is that prior to the take over they were getting full six days work in the week but after the take over due to induction of 15 new hands improperly they could not be provided full six days job in a week. The management's contention as I have already stated is that as they were casual workmen they could be given work as and when it was available and they were never given six full days work in the week. I am not very much concerned about the induction of 15 new hands allegedly improperly taken after the take over, but if this induction has any bearing on the non-availability of work of the concerned workmen it should be incidentally looked into. It appears from the evidence of ww. 1 and ww. 2 who are old employees of the company that prior to the take over not only the concerned workmen were getting six full days work in the week but also they were doing overtime as well at times. There does not appear to be any cross-examination of these two witnesses on this point. The management has failed to produce papers maintained by the old management showing the number of days they could be provided with work in a week before the take over. I cannot place any reliance on Ext. M2 which has not been proved to be a statutory register. In this respect also the management's contention is not acceptable. It appears that in the conciliation that preceded the reference the case of the workmen was that they were improperly debarred from getting work for all the

six days in the week. This contention was however disputed by the management before the conciliation officer. When it is found that the 8 concerned workmen were not casual or badli workers there is no reason why they should not be getting full six days work in the week before the take over. In para 6 of their written statement the management admits that 15 persons were appointed from 6-11-71. Surely the appointment of these 15 persons is subsequent to the date of take over which was 17-10-71. Nobody could have any objection to the appointment of these 15 persons by the new regime if it was necessary. The management witness, MW. 1 however by his evidence says that after the take over no new appointments whatsoever was made in the colliery. He heard that there were instructions that there should be no new appointment from 17-10-1971. The evidence of MW. 1 that no new hands were recruited after the take over is falsified by the fact of appointment of 15 new hands after the take over. If MW.1's information is that there were instructions that no new hands should be recruited after the take over, it is not understood how the 15 persons could be appointed from 6-11-1971 in the absence of any explanation given by the management as to the extenuating circumstances under which they were appointed. Be that as it may there is no material before me to hold, except inference, that the number of days of work in the case of the concerned workmen had to be reduced because of the recruitment of 15 new hands after the take over. The fact however remains as established by evidence that the concerned workmen were getting six full days continuous work in a week before the take over and their number of days were reduced to 2 to 3 days in a week after the take over. I have not accepted the management's contention that the concerned workmen were all badli workmen. The management has not come out with any explanation as to how the number of days of all the concerned workmen was reduced after the take over. In the absence of any acceptable justification given by the management in this respect I can only hold that the justifiability about the reduction of work of these workmen after the take over has not been made out and accordingly it can only be said that in this reduction in the work of the concerned workmen after the take over is not justified. The 8 concerned workmen were stopped from work from that date. The management's contention is that there was a policy decision by the new management that the casual and badli system should be abolished and persons who are matriculates should be recommended for job as apprentice and as a matter of fact casual workmen who were matriculates have been provided with jobs as apprentice. First, the management has failed to show that any system of casual employment was in vogue at any time before the take over so that there could be any policy decision to abolish that system after the take over. If actually there was any policy decision it was surely not verbal one but such a decision must be in black and white being as important landmark in the annals of the new management giving a departure to the alleged old system. Unfortunately the management has failed to produce any such policy decision to abolish the badli and casual work system and to give employment to those who are matriculates. Shri Santosh Kumar Dutta and Shri Satish Chandra Singh have been selected as apprentices as it appears from the evidence of the management as they are otherwise qualified. It also appears that some of the new hands recruited after the take over have also been given job as apprentices as they were matriculates. WW. 2 an old employee has it in his evidence that it is not necessary as a matter of practice that the helpers should be matriculates and there are non-matriculate helpers also and even illiterate persons are also working as helpers. It is also in his evidence that still there are 18 to 20 helpers including apprentice working in the colliery. From the above evidence it appears that the post of helpers in the colliery has not totally been abolished to form a new cadre of apprentice. It is in the evidence of WW. 3 that one Shri Jata Sankar Jha who is a non-matriculate has been appointed as apprentice. If the above evidence is taken into consideration it will be seen that there had been a deviation from the alleged policy decision of the new management to abolish the cadre of helpers and form a new cadre of apprentice with matriculates only. The new management banks upon a policy decision as justification for doing away with the job of the 8 concerned workmen. The so-called policy decision has not been placed before the Court nor is there any other satisfactory evidence from which the existence of such a policy decision can be inferred. Admittedly, some

of the persons who were appointed after the take over and who were junior to the 8 concerned workmen have been appointed as apprentice and continued in their job. I could have understood this point if this theory of policy decision was proved satisfactorily before me. In its absence the only thing which can be said in respect of the above matter is that the new management has acted in an arbitrary way in dispensing with the services of the senior men and retaining the services of the junior men. I do not mean to say that the junior men should be thrown out to make room for the 8 concerned workmen, but what I mean to say is that there is no justification in the act of the management doing away with the services of the 8 concerned workmen.

In view of the fact that the action of the management in stopping the 8 concerned workmen from work from 1-9-1972 is not justified, they should be reinstated in their original posts with continuity of service and they should also get full back wages and other emoluments for the forced idle period. I do not, however, feel inclined to compensate the workmen for the number of days they were not provided with work week-wise before they were completely stopped from work, specially when their broader demand for reinstatement in their old jobs with continuity of service has been conceded.

In the result, the action of the management of Amlabad colliery of Messrs. Bharat Coking Coal Limited, Post office Bhowra, District Dhanbad, in not providing full six days work in a week to the workmen mentioned in the order of reference after the take over of the colliery on 17-10-1971 by the Bharat Coking Coal Limited and ultimately stopping them from work from 1st September, 1972 is not justified and legal. The eight concerned workmen be reinstated in their original posts with continuity of service with full back wages and other emoluments for the forced idle period. No other relief is given.

This is my award.

K. K. SARKAR, Presiding Officer

[No. L-2012/155/72-LRII.]

P. R. NAYAR, Deputy Secy.

नई दिल्ली, 2 मई, 1974

का० आ० 1207.—खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुये केन्द्रीय सरकार एतद्वारा भारत के श्रम और रोजगार मंत्रालय की अधिसूचना सं० का० आ० 531 दिनांक 2 मार्च, 1961 में निम्नलिखित और संशोधन करती है, अर्थातः—

उक्त अधिसूचना में, निम्नलिखित प्रविष्टि निकाल दी जायेगी, अर्थातः—
“(11) श्री एम० सुब्रामनियम”।

[सं० ए० 38012/2/73-एम०-1]

New Delhi, the 2nd May, 1974

S.O. 1207.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 531 dated the 2nd March, 1961 namely:—

In the said notification, the following entry shall be omitted, namely:—

“(11) Shri M. Subramanyam”.

[A-38012/2/73-MI]

नई दिल्ली, 4 मई, 1974

का. आ. 1208.—खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा डा. एस. एन. बसु को मुख्य खान निरीक्षक के अधीन खान निरीक्षक के रूप में नियुक्त करती है।

[संख्या 8/17/67-एम-1]

टी. एस. कृष्णामूर्ति, अवर सचिव

New Delhi, the 4th May, 1974

S.O. 1208.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Dr. S. N. Basu as Inspector of Mines subordinate to the Chief Inspector of Mines.

[No. 8/17/67-MI]

T. S. KRISHNAMURTHI, Under Secy.

S.O. 1209.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Chandigarh in respect of a complaint under Section 33A of the said Act filed by Shri Jeet Singh, Fitter, which was received by the Central Government on the 29th April, 1974

BEFORE SHRI H. R. SODHI, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, (CENTRAL), CHANDIGARH.

Complaint No. 2/50 of 1973

Under section 33A of the Industrial Disputes Act, 1947.

Shri Jeet Singh, Fitter, token No. 436-C, c/o Beas Suttlej Link Workers Union, Sundernagar (H. P.)
..... **Complainant.**

Vs.

The Area Superintendent,

Mechanical-II Sundernagar Township, Distt. Mandi H.P.)
..... **Respondent.**

Appearances :

Shri Mohinder Singh Tuggar—for the complainant.

Shri Rattan Lal—for the respondent management.

AWARD

This is a complaint by Shri Jeet Singh who was appointed as a Pipe Fitter by the respondent on 26th April, 1969. At the time of appointment he filled in a prescribed form which can legitimately be treated as contract of service between the parties. The workman was required to give information with regard to his antecedents including if he had ever been convicted by any court. Instead of saying yes or no about his conviction, if any, the complainant had only mentioned "not applicable". The management also does not seem to have cared to ask from the complainant specific information and to point out to him that in answer to enquiry about his antecedents the use of words "not applicable" was holly misconceived and ridiculous. After the workman had put in service for a few years a reference was made by the management to the Superintendent of Police, Mandi (H. P.) by letter dated 6th September, 1972 enquiring about his antecedents. Reply Ext. R/3, dated 12-10-1972 was received from the Superintendent of Police which disclosed that the complainant had been convicted at different times for several crimes including house breaking, illegal possession of arms and exissable stuff. There were in all five convictions to his record. There were other criminal cases as well in which he was tried but acquitted. On receipt of this information, the management terminated his services purporting to act under the Certified Standing Orders, copy whereof is placed on the record of this Tribunal as Ext. R/4. It is common ground that no enquiry was held against the workman nor any show cause notice served on him. Standing Order No. 17 deals with termination of employment and no notice according to this order is required to be served on a workman before termination of his employment where an adverse report is received on his character and antecedents from the Police or civil authorities within one year from his employment or he has secured service by making false declaration. There are other situations also when no notice need be served but they are not relevant for the present case. Shri Jeet Singh appearing as A.W.1 admitted that he was convicted in 5-6 cases and that Ext. R/2 wherein he had stated that column relating to antecedents was not applicable to him bears his signatures. On behalf of the management, Shri Rattan Lal went into the witness box and he produced letter of appointment of the Complainant Ext. R/1.

It appears that the complainant had been dismissed from service earlier as well but was again re-employed because the order of his dismissal had been set aside by the Industrial Tribunal. It was not then, of course, a termination on account of verification of antecedents. On behalf of the Complainant it is strenuously urged that that no enquiry was held into his conduct and that the order of termination without any show cause offended against rules of natural justice. I am afraid, there is no substance in this contention. No doubt the management had been lethargic and should have verified antecedents earlier but be that as it may, the workman made a false declaration by suppressing his convictions when an information was solicited from him as per column 12 of Ext. R/2 when he was convicted before employment with the respondent, it was his duty to have stated in positive terms that there were convictions against him. The suppression of conviction on his part was tantamount to a false declaration intended to keep the management in darkness about his antecedents. The case of the workman is full covered by order No. 17 and the order of termination of his services is perfectly in order. No amount of enquiry would have washed away his convictions which are admitted even in his statement before this Tribunal. He knew that his services were being terminated on account of those convictions and he never protested to management that the information received from the Superintendent of Police, Mandi was not correct. Rules of Natural justice cannot by any stretch of imagination be held to apply in this instant case and it will be rather negation of justice if an employer is compelled to retain in service a convict particularly when he has been convicted for offences involving serious moral turpitude.

There is yet another way of looking at the matter. Whatever be the desirability of giving security of service to a workman in the advancement of social justice and in the interest of industrial peace, no employer can reasonably be forced to retain in service for a minute a person who is a criminal and cannot enjoy the confidence of the employer. In industrial relations, mutual confidence is of utmost importance as a workman in the course of his duties is bound to come across property of the employer and if there is a constant fear lurking in the mind of the latter that former might pilfer away any property, no business can satisfactorily be run. Again the termination of service is not for any misconduct connected with the subject matter of the reference but on account of verification of antecedents for which Section 33 of the Industrial Disputes Act is not attracted.

In the result I find no merit in the complaint which stands dismissed.

There is no order as to costs.

19-4-74.

H. R. SODHI, Presiding Officer

[No. L. 42025/3/74/LRIII]

P. P. KANTHAN, Under Secy.

S.O. 1210.—In pursuance of section 7 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal Madras in the industrial dispute between the employers in relation to the Bank of Madura Limited and their workmen, which was received by the Central Government on the 26th April, 1974.

BEFORE THIRU T. PALANIAPPAN, B.A., B.L., PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, MADRAS

(Constituted by the Central Government)

Industrial Dispute No. 37 of 1973

(In the matter of the dispute for adjudication under section 10(1)(d) of the Industrial Disputes Act, 1947, between the workmen and management of Bank of Madura Ltd., Madurai).

BETWEEN

The workmen, represented by :
The General Secretary, Bank of Madura Employees
Union, 378, North Masi Street, Madurai-1.

AND

The Chairman, Bank of Madura, Central Office, No. 33,
North Chitrai Street, Madurai-1.

Reference :

Order No. L-12011/13/73-LR. III dated 2-8-1973 of
the Ministry of Labour and Rehabilitation, Department
of Labour and Employment, Government of
India, New Delhi.

This dispute coming on for final hearing on Saturday
the 23rd day of March, 1974 upon perusing the reference,
claim and counter statements and all other material papers
on record and upon hearing the arguments of Thiruvalargal
B. R. Dolia, A. L. Somayaji and R. Jamal Nazeem, Advocate
appearing for the Union and of Thiru N. R. Narayanaswami,
Advocate appearing for the Management and having stood over
till this day for consideration, this Tribunal made the follow-
ing :

AWARD

This is an industrial dispute between the employers and
the employees of the Bank of Madura Limited, Madurai
referred to by the Government of India, Ministry of Labour
and Rehabilitation by its order dated 2nd August, 1973 for
adjudication of the following issues.

2. It is as follows :—

(i) Bearing in mind the relevant provisions of para-
graphs 20.7 and 20.8 of the bipartite settlement of
the 19th October, 1966 and section 41 of the
Tamilnad Shops and Establishments Act, 1947,
whether the Bank of Madura Limited is justified
in employing the clerks and subordinate staff on
pittance of a daily wage as casual labour without any
appointment order and without recording their
names on the Bank's Daily Muster Roll ?

(ii) If not, to what relief the concerned workmen are
entitled and to what extent ?

3. The claimant union has filed a claim statement through
its Secretary and it is as follows : The respondent Bank is
a 'B' class Bank within the meaning of the Bank Award ;
that the respondent has agreed to implement the Bipartite
Settlement arrived at between the Indian Bank's Association
and the All India Bank Employees' Association in toto
with effect from 1-1-1972 except in regard to leave fare
concession. The respondent Bank with a view to avoid the
obligations under the Bipartite settlement resorted to the
unfair labour practice of recruitment of sub-staff and clerical
staff on daily rate basis without even issuing any appoint-
ment order and their names were not included in the atten-
dance and the salary register. The Union alleges that it is
obligatory on the part of the respondent to specify the
period of employment and the nature of employment under
the Bank awards; that the respondent has issued instruc-
tions to all its branches by the letter dated 9-4-1973, not
to employ the worker in excess of six months apparently
with a view to get over the provisions of the Tamilnad
Shops and Establishments Act; that the respondent Bank
has recruited workers concerned in this dispute to attend
and perform increased banking business; that the list of
employees who are recruited as subordinate and clerical
staff on daily wages without any appointment order and
without entering their names in the attendance register are
about 50; that in addition to the above the respondent has
recruited many more staff in the category of clerks and
attenders on daily rate basis, in contravention of the
provisions of Bank Award and settlement; that the respon-
dent cannot treat and characterise the workers concerned in
this dispute as casual employees, because the work assigned
to them are of permanent nature. The claim statement fur-
ther states that under para 20.7 of the Bipartite settlement,
even workers appointed for limited period is of essentially

temporary or who is appointed temporarily as additional
workman in connection with the temporary increase in work
of permanent nature are to be paid in accordance with
the scales of pay agreed upon; that even workers appointed
in a temporary vacancy caused by the absence of a perma-
nent workman would be treated as temporary. The payment
of wages which is below than what is guaranteed under
the Bipartite Settlement to the workers treating them as
'casual' is an unfair labour practice; that the action of the
respondent is *malafide* and is resorted to as a measure of
victimisation. The Union wants to treat all the workers
whose names are mentioned in the claim statement to be
made permanent and pay them the benefit available as per
the Bipartite Settlement.

4. The respondent Bank has filed a counter statement
contending that the Union has no *locus standi* to raise any
dispute on behalf of the persons mentioned in Annexure 'A'
to the claim statement; that none of them are members of
the Union, and the union has no authority to raise a dis-
pute on their behalf; and thus the reference is incompetent.
The next contention is that neither directly nor indirectly,
the persons mentioned in Annexure 'A' to the claim state-
ment are parties to the Bipartite settlement dated 19-10-1966.
The management has also contends that if the persons men-
tioned in the Annexure 'A' have got any grievance in re-
spect of the violation of the provisions of the Tamilnad
Shops and Establishments Act, 1947, they must seek ap-
propriate relief in the proper form and this Tribunal has no
jurisdiction to deal with that matter. The next contention
is that the management has not violated the terms of clause
20.7 and 20.8 of the Bipartite Settlement dated 19-10-1966;
that neither in the settlement nor in the Award is there any
prohibition that casual workmen should not be employed;
that as a matter of fact there is no reference either in the
settlement or in the Award to the employment of casual
workmen, and hence there is no question if violation of any
of the terms of the agreement; that since the agreement
and Bipartite Settlement are silent about the employment of
casual labour, the reference itself is to be rejected. The
next contention is that the persons mentioned in Annexure
'A' to the claim statement have been taken on casual basis
to meet the unforeseen contingencies and they were not
engaged on continuous basis; that it is specifically stated in
para 16.9 of the Desai Award that persons who are casual
employees are exempted from the operation of the Award.

5. The Union examined two witnesses, namely Thiru P. L.
Murugappan, W.W.1 and Thiru B. Thiagarajan, W.W.2 and
also marked Exs. W-1 to W-39. The management did not
adduce any oral evidence, but marked only one document
as Ex. M-1.

6. Issue : The point that arises for determination under
this issue is whether the Bank of Madura was justified in
employing casual clerks without any appointment order and
without recording their names in the Bank's
daily muster roll. The Union examined Thiru P. L. Mura-
gappan, W.W.1. He is one of the Joint Secretaries of the
Bank of Madura Employees Union. His evidence is that
there were only 111 branches in the year 1971 and it was
increased to 123 in 1971 and then in 1973 it increased to
130 and from 1971, the deposits were on the increase. Thus
he was examined to show that the Bank was improving its
business and hence there was necessity for more staff. He
also deposed that from 1972, there was no recruitment of
subordinate staff in the permanent cadre, but in 1972, the
management recruited temporary subordinates concerned in
this dispute without appointment order and their names are
not written in the attendance register and that they are not
included in the Pay Bill, but they would be paid wages
after getting their signatures in the vouchers; that they
would be paid once in a week, that the management did not
specify the period of appointment; that the management
was recruiting on temporary basis to get cheap labour and
extract permanent staff work; that they were doing the day
to day banking business, that there are about 100 tempo-
rary employees as on today including the 44 employees
now mentioned in the claim statement and that they are
doing continuously for a period of two years; that the
management is not paying the wages even for temporary
employees as per the Bipartite agreement Ex. M-1. His
further evidence is that the management issued a circular
that the temporary employees will be discharged before the
expiry of six months period and that they protested as evi-
denced by Ex. W-1 and Ex. W-2.

7. The Union also examined Thiru B. Thiagarajan, W.W.2 to show that he was working as a temporary sub-staff in the Royapettah branch, Madras without any appointment order and that his name is not written in the attendance register and that his name is also not included in the monthly pay bill, but he is paid only Rs. 2.50 as daily wages. He also deposed that he was doing the duties of an Attender. In the course of the cross-examination that he admitted that he is not now in the services of the Bank of Madura; that his services were terminated on 19-9-1973.

8. Before taking up the question, namely, whether the Bank of Madura is justified in employing the casuals on daily wages I will discuss the preliminary objection raised by the learned counsel for the respondent Bank. The preliminary objection that was pressed by him was that Union has no locus standi to raise any dispute on behalf of the 44 persons whose names are mentioned in Annexure 'A' to the claim statement, and that the reference is incompetent. The learned counsel also referred me to Section 2(k) of the Industrial Disputes Act, 1947. It reads as follows :—

"industrial dispute" means any dispute or difference between employers and employees, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person":

He also pressed before me that the workmen did not raise any dispute before the employers and then on that ground also there cannot be said that any industrial dispute existed prior to the reference. The third point that was pressed relating to preliminary objection was that the Union has not placed any materials to show that the copy of the resolution passed authorising the Union to raise the dispute.

9. As regards the first point, namely, that the 44 persons are not members of the Union and that they did not authorise the union to espouse their cause, the learned counsel for the management referred me to the fact that the date of reference is 2-8-1973 and that Ex. W-12, the letter by W.W.2 to the Union requesting to make arrangements for permanent post in the Bank is dated 23-8-1973, i.e. subsequent to the reference and that W.W.2 Thiru B. Thiagarajan was not even employed on 2-5-1972, and that Ex. W-25 is dated 20-11-1973, Ex. W-26 is dated 20-11-1973, Ex. W-29 is dated 18-9-1972 and Ex. W-30 is dated 20-12-1973 and Ex. W-34 is dated 5-1-1974, thus these things were got up only after the reference, and so under those circumstances it could not be said that the Union was authorised to represent the cause of the 44 persons who are not even members of the union. The reply of the learned counsel for the respondent was that though they are not members of the union no temporary staff was eligible to become members of the Union, and that they have community of interest and hence the union is entitled to espouse their cause. There is considerable force in this argument and the union's contentions are upheld on this aspect. As regards the second objection, the learned counsel for the management referred me to a ruling reported in 1968—I—L.L.J.—page 834 (Sindhu Resettlement Corporation Ltd. Vs. Industrial Tribunal Gujarat, and others). The following observations at page 839 were relied upon namely, "since no such dispute about reinstatement was raised by either of the respondents before the management of the appellant, it is clear that the State Government was not competent to refer a question of reinstatement as an industrial dispute for adjudication by the tribunal." Thus this ruling was relied upon for the limited purpose of showing that the mere demand to a Government of sending a letter or raising a dispute before the Conciliation Officer without a dispute being raised by the workmen with their employer cannot become an industrial dispute. W.W1 Thiru P. L. Murugappan is the one of the Joint Secretaries of the Bank of Madura has admitted in the course of the cross-examination as follows : "The Union did not write to the Management specifying that we are raising a dispute on behalf of these 44 temporary employees." To get over this insurmountable difficulty, the learned counsel for the Union referred me to Ex. W-39 dated 2-5-1972, which is a letter written from the Union to the Bank regarding temporary employees engaged in daily wages. It is a letter written by the General Secretary Thiru K. Ramalingam to the Chairman, Bank of Madura Limited. Para No. 3 in it reads that some of the branches are engaging clerks on temporary basis paying daily wages, and that practice is neither healthy nor in conformity with the rules and that

this practice may be dispensed with, and that the Chairman also agreed to the proposal and informed them that as soon as the selection of candidates is over, this practice has to be done away with. The reading of this letter can only amount to a discussion and the Chairman considering the same and it cannot be said to a demand or raising an industrial dispute. Ex. W-38 dated 7-6-1973 is the failure of conciliation report. This document refers to some other letter dated 1-7-1973 and not to Ex. W-39. Under those circumstances the Union cannot rely on Ex. W-38, which is the failure conciliation report for contending that the dispute was raised earlier to the report of the Conciliation Officer with the employer. The Union also cannot contend that a dispute was raised with the employer before raising the same with the Government on the Conciliation officer in the face of the clear admission of the one of the Joint Secretaries of the Union to the effect that they did not write to the Management specifying that they are raising a dispute on behalf of the 44 temporary employees. In view of the Supreme Court decision referred to above, I hold that there was no industrial dispute and the reference itself is incompetent. As regards the third objection, namely, that the union did not file any copy of the resolution authorising them to raise this dispute, the reply of the Union was that it is not stated in the counter, but it is stated for the first time in the course of argument and in the absence of plea, this argument ought not to be countenanced. There is no merit in this argument also because W.W.1, one of the responsible Joint Secretaries of the Union, has admitted in the cross-examination as follows :—

"There is no specific resolution passed by the Union to raise this dispute."

Further in the counter statement in para 4, the respondent bank has stated as follows :—

"None of them are members of the said Union, nor the Union has any authority to raise a dispute on their behalf. In view of the lack of authority for the Union to raise this dispute, it is submitted that this Hon'ble Tribunal may be pleased to reject this reference as incompetent."

In view of my discussion above, I hold that the preliminary objection raised by the respondent Bank are well founded.

10. I will now discuss the case on merits. The first question is whether there is any violations of the provisions of paragraphs 20.7 and 20.8 of the Bipartite settlement and Section 41 of the Tamil Nadu Shops and Establishments Act, 1947. Ex. M-1 is the printed copy of the settlement on the industrial disputes between certain banking companies and their workmen. It is true that the respondent bank has agreed to implement the provisions of this settlement dated 19-10-1966, printed copy of which is Ex. M-1 except on certain matters enumerated in Ex. W-10. Paragraph 20.7 of the Bipartite settlement Ex. M-1 reads as follows :—

"20.7 In supersession of paragraph 21.20 and sub-clause (c) of paragraph 23.15 of the Desai Award, "Temporary Employee" will mean a workman who has been appointed for a limited period for work which is of an essentially temporary nature or who is employed temporarily as an additional workman in connection with a temporary increase in work of a permanent nature and includes a workman other than a permanent workman who is appointed in a temporary vacancy caused by the absence of a particular permanent workman."

Paragraph 20.8 of the Bipartite agreement Ex. M-1 reads as follows :—

"20.8 A temporary workman may also be appointed to fill a permanent vacancy provided that such temporary appointment shall not exceed a period of three months during which the bank shall make arrangements for filling up the vacancy permanently. If such a temporary workman is eventually selected for filling up the vacancy, the period of such temporary employment will be taken into account as part of his probationary period."

Thus these two clauses in the agreement said to have been violated by the respondent Bank relates to the employment of temporary employees. It is significant to note that the reference is whether the Bank of Madura was justified in employing clerks and subordinate staff as casual labour without any appointment order. The Annexure 'A' to the claim statement enumerates the names of the 44 employees and also in which branches they were employed and also the nature of the work. Excepting the seven persons, others were appointed as attenders or watchmen. Thus it should be made clear at the outset that the Bank was not as a matter of routine taking qualified clerks on a temporary basis in contravention of paragraphs 20.7 and 20.8 of the Bipartite agreement dated 19-10-1966. The Bank's contention also is that these persons were taken as casual labourers to meet the contingencies of work because some of the permanent employees were on leave etc. This argument or the contention has to be accepted, because the Head Office by its letter dated 9-4-1973 wrote to all its branches not to employ casual workers in excess of six months. The Union has referred to this fact in paragraph 9 of the claim statement. It shows that the branches were appointing casual labourers without the knowledge of the Head Office and that the Head office discourage such practice of employing casual labourers. Under those circumstances it cannot be said that the Head office was bent upon employing casual labourers to get cheap labour which would amount to unfair labour practice or victimisation. Under these circumstances it is highly probable that the branches were employing casual labourers to meet certain contingencies. Further there is no prohibition either in the Bipartite agreement or in the Desai Award prohibiting employment of casual workers. Further in paragraph 16.9 of the Desai Award shows that persons who are casual employees or who are employed to do job work are excluded from the operation of the Award. Thus it shows that the Desai Award did not disturb the practice of appointing casual labour. Further Chapter I clause 1.1 of the Bipartite agreement Ex. M-1 shows that the provisions of the Desai Award is not disturbed by the Bipartite agreement. Under these circumstances it cannot be said that there was any violation of clauses 20.7 and 20.8 or Section 41 of the Tamilnad Shops and Establishments Act, 1947. In view of my discussion above, I find this issue against the Union.

11. In the result, I hold that the Bank did not violate the provisions of paragraphs 20.7 and 20.8 of the Bipartite settlement of 19-10-1966 or Section 41 of the Tamilnad Shops and Establishments Act, 1947 and that the Union's claim are not justified and their claims are negatived. An Award is passed accordingly. There will be no order as to costs.

Dated, this the 10th day of April, 1974

WITNESSES EXAMINED

For Workmen

W.W.1—Thiru P.L. Murugappan.

W.W.2— „ B. Thiagarajan.

For management: None.

DOCUMENTS MARKED

For workmen

- Ex. W-1/15-11-73 . . . Letter from the union to the Assistant Labour Commissioner (Central) Madras regarding the termination of temporary employees (copy).
- Ex. W-2/22-9-73 . . . Letter from the Union to the Chief Labour Commissioner (Central), New Delhi regarding the discharge of employees by the bank (copy).
- Ex. W-3/7-9-73 . . . Circular of the Bank about the appointment of temporary staff (copy).
- Ex. W-4/27-10-73 . . . Application of Thiru S. Gopalan to the Bank for appointment (copy).

- Ex. W-5/27-12-71 . . . Order of the Bank permitting Thiru V. Nagarajan to appraise the jewels on contract basis (copy).
- Ex. W-6/4-12-71 . . . Appointment order issued to Thiru G. Nagarajan as caretaker (copy).
- Ex. W-7— . . . News paper cuttings about the progress of the Bank (from Dinamani and Indian Express).
- Ex. W-8— . . . Newspaper cutting about the progress of the Bank (from Indian Express).
- Ex. W-9— . . . Statement showing the deposits, advances, number of branches etc., during the years from 1971 to 1973.
- Ex. W-10/26-9-67 . . . Memorandum of settlement under section 12(3) of the Industrial Disputes Act, 1947 between parties (copy).
- Ex. W-11,, . . . List of branches of the Bank in which the temporary subordinate staff are working.
- Ex. W-12/23-8-73 . . . Letter by W.W.2 to the union requesting to make arrangement for permanent post in the Bank.
- Ex. W-13 . . . Letter by Thiru K.A. Jaya kumar to the union requesting to make arrangement for permanent post in the Bank.
- Ex. W-14/25-6-73 . . . Letter by Thiru N. Renganathan to the union requesting to make arrangement for permanent post in the Bank.
- Ex. W-15/7-6-73 . . . Letter by Thiru A. Jayakumar to the union requesting to make arrangement for permanent post in the Bank.
- Ex. W-16/5-7-73 . . . Letter by Thiru Sivasankaran to the union requesting to make arrangement for permanent post in the Bank.
- Ex. W-17/1-7-72 . . . Letter by Thiru P. Packirisamy to the union requesting to make arrangement for permanent post in the Bank.
- Ex. W-18/15-2-73 . . . Letter by Thiru S.P. Natarajan to the union requesting to make arrangement for permanent post in the Bank.
- Ex. W-19/10-6-73 . . . Letter by Thiru G. Nagarajan to the union requesting to make arrangement for permanent post in the Bank.
- Ex. W-20/2-8-73 . . . Letter by Thiru R. Sankaran to the union requesting to make arrangement for permanent post in the Bank.
- Ex. W-21/, . . . Letter by Thiru R. Natesan to the union requesting to make arrangement for permanent post in the Bank.
- Ex. W-22-, . . . Letter by Thiru R. Natesan to the union requesting to make arrangement for permanent post in the Bank.

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| Ex.W-23/1-2-73 | Letter by Thiru A. Karunakaran to the union requesting to make arrangement for permanent post in the Bank. | Ex.W-33/ — | Letter by Thiru A. Karunakaran to the union requesting to make arrangement for permanent post in the Bank. |
| Ex.W-24/17-11-73 | Letter by Thiru A. Subramanian to the union requesting to make arrangement for permanent post in the Bank. | Ex.W-34/5 1-74 | Letter by Thiru D. J. Jana to the union requesting to make arrangement for permanent post in the Bank. |
| Ex.W-25/20-11-73 | Letter by Thiru R. Gopalakrishnan to the union requesting to make arrangement for permanent post in the Bank. | Ex.W-35/10-10-73 | Letter by Thiru T.N. Ramachandran to the union requesting to make arrangement for permanent post in the Bank. |
| Ex.W-26/ " | Letter by Thiru K. Nagarajan to the union requesting to make arrangement for permanent post in the Bank. | Ex.W-36/9-11-73 | Letter by Thiru T.N. Ramachandran to the union requesting to make arrangement for permanent post in the Bank. |
| Ex.W-27/18-9-73 | Letter by Thiru K. Sivasankaran to the union requesting to make arrangement for permanent post in the Bank. | Ex.W-37/1-3-73 | Letter from the Union to the Regional Labour Commissioner (Central), Madras requesting for conciliation. |
| Ex.W-28/ " | Letter by Thiru K. Srivasankaran to the union requesting to make arrangement for permanent post in the Bank. | Ex.W-38/7-6-73 | Conciliation failure report. |
| Ex.W-29/ " | Letter by Thiru S. Gopalan to the union requesting to make arrangement for permanent post in the Bank. | Ex.W-39/2-5-72 | Letter from the union to the Bank regarding temporary employees engaged on daily wages (copy) . |
| Ex.W-30/20-12-73 | Letter by Thiru R. Natesan to the union requesting to make arrangement for permanent post in the Bank. | For management | |
| Ex.W-31/18-9-73 | Letter by Thiru K. Ajaya Kumar to the union requesting to make arrangement for permanent post in the Bank. | Ex.M-1/19-10-66 | Settlement on the industrial disputes between certain banking companies and their workmen. |
| Ex.W-32/18-2-73 | Letter by Thiru K. Nagarajan to the union requesting to make arrangement for permanent post in the Bank. | <p>Note: The parties are directed to take return of their document/s within six months from the date of the Award.</p> <p>T. PALANIAPPA, Presiding Officer.</p> <p>[No. L. 12011/13/73/LRIII]</p> <p>P. P. KANTHAN, Under Secy.</p> | |

